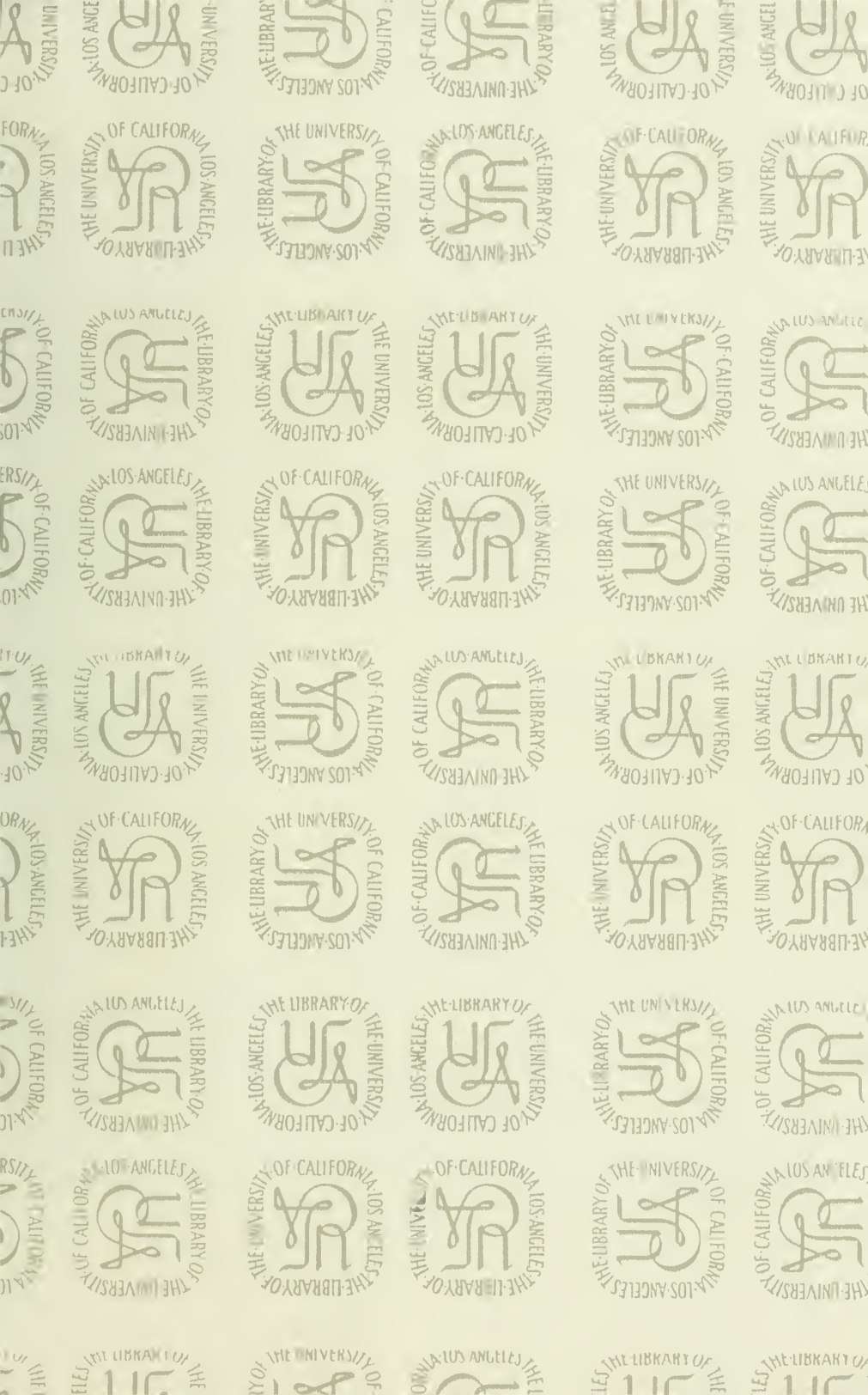
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CAMBRIDGE

UNIVERSITY TRANSACTIONS.

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CAMBRIDGE

UNIVERSITY TRANSACTIONS

DURING THE

PURITAN CONTROVERSIES

OF THE

16TH AND 17TH CENTURIES.

COLLECTED BY

JAMES HEYWOOD, M.P. F.R.S. F.S.A.
OF TRINITY COLLEGE, CAMBRIDGE;
AND
THOMAS WRIGHT, M.A. F.S.A. HON. M.R.S.L.
CORRESPONDING MEMBER OF THE INSTITUTE OF FRANCE.

IN TWO VOLUMES.

VOL. I.

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1854.

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TO THE

RIGHT HON. HENRY GOULBURN, M.A. F.R.S.

M.P. FOR THE UNIVERSITY OF CAMBRIDGE, ETC. ETC.

THIS COLLECTION OF

HISTORICAL DOCUMENTS

RELATING TO THE

UNIVERSITY OF CAMBRIDGE

IS

RESPECTFULLY DEDICATED

IN REMEMBRANCE OF THE VIRTUES

OF THE LATE

HENRY GOULBURN, ESQ., M.A.

FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

INTRODUCTION.

The documents contained in the present volumes belong to a period of great importance in the history of the University of Cambridge; and they relate to almost every part of its internal government and external privileges. They commence with the University Statutes of 1570—intended to check the rising power of Puritanism,—and they terminate with the Act of Uniformity of 1662, and the diary of the Rev. Dr. Worthington, who was ejected in 1660 from the Mastership of Jesus College, Cambridge.

Religious toleration was little understood in the sixteenth and seventeenth centuries; indeed, society was then in a rude and unrefined condition, of which a curious instance is preserved in the decree of Whitgift and the other heads of houses at Cambridge in 1571, ordering that any undergraduate of the University convicted of bathing within the county of Cambridge should be severely flogged in the college-hall to which he belonged,* before all the members of his college. At the present day, a regular bathing place is set apart on the banks of the Cam, and facilities are afforded for an easy access to the river from the colleges.

Reformers of religion were at first encouraged by the despotic independence of Henry VIII., as well as by the Protestant regulations of Edward VI. Under Queen Mary the Protestant cities of the continent, Zurich, Geneva, and

* See vol. i. p. 56, *infra*. Decrees of the Heads.

Frankfort, offered a safe retreat to the persecuted adherents of the reformed religion; and after the accession of Queen Elizabeth, these refugees brought back to their native country a determined spirit of opposition to the vestments which Queen Elizabeth and her advisers deemed essential for the services of the Church of England.

The free form of government restored to the University in the early part of the reign of Elizabeth, and the strength of the Puritanical party among the members of the Academical Senate, gave a predominant power at Cambridge to the friends of ecclesiastical reform.

Cartwright, a Fellow of Trinity College, was elected by the Bachelors of Divinity to the Lady Margaret Professorship in the University. His lectures were attended by crowds of pupils; his Puritanical views attracted the sympathy of his hearers; and when he preached at St. Mary's Church it was requisite to take down the windows.

Honours and rewards in the gift of the ruling powers of the country were at that time exclusively bestowed on members of the High Church party. Whitgift received from the Crown his appointment to the Mastership of Trinity College, and to the Regius Professorship of Divinity; but his theological views were not popular in the University; the number of his hearers was small; and during his absence on a Sunday from Trinity College, Cartwright with the aid of two friends preached three sermons in the College-chapel, so vehemently inveighing against the vestments of the Church, that at evening prayers all the members of the college, with the exception of three, "cast off their surplices as an abominable relic of superstition."*

Frequent complaints of the difficulty experienced in the maintenance of external uniformity of ecclesiastical

* Fuller's *History of the University of Cambridge.*

discipline were sent to Sir William Cecil, the Chancellor of the University. Whitgift and his friends drew up a new form of University Statutes, partly derived from the previous models of Roman Catholic times, and securing to the Heads of Houses the entire government of the University: these statutes are reprinted at the beginning of the present work. They were approved by Sir William Cecil, and imposed on the University by royal authority; but they were so distasteful to the Puritans, that in the act of parliament of 1571 (13th Eliz. chap. 29), for the Incorporation of the Universities, the royal letters patent of the 3d Elizabeth for Cambridge are mentioned alone, without any reference to the academical statutes just enforced in that University.

Dr. Lamb, in the introductory remarks to his *Collection of Letters, Statutes, and other Documents*, gives the following account of the changes which had been made in the laws of the University during the earlier years of Elizabeth's reign. "Thus (*i.e.* by Queen Elizabeth's first visitation) the University was again placed under those statutes which had been first given by the visitors of Edward VI., and were now approved, with certain immaterial alterations, by the visitors of Elizabeth. After these statutes had been in operation a few years, they were found to be unsatisfactory in some respects to certain of the heads. Cardinal Pole, in his injunctions, had deprived the regents* of their ancient right of electing the Vice-Chancellor, and had introduced the system of nominating two individuals, one of whom the regents were bound to elect. The cardinal had also interfered with the ancient custom respecting the Caput,† by decreeing that the same individuals should continue in the Caput for a year, and that

* Regents are Masters of Arts of not more than five years' standing. Non-regents are Masters of Arts of higher standing than 5 years.

† The Caput is a small governing committee.

each one should have a negative voice. Queen Elizabeth's visitors restored to the regents their right of freely electing the vice-chancellor; and left the Caput to be appointed according to the ancient custom, which seems to have been, that at each congregation three doctors, chosen by the whole body, represented their respective faculties of law, physic, and divinity; the scrutators sent up a non-regent or representative of that house; and the proctors a regent or representative of the other house: which five, with the Vice-Chancellor, formed the Caput." Dr. Lamb then goes on to observe on Whitgift's new statutes: "The two new statutes by which the heads secured to themselves the whole management of the University are chapters 34 and 41, respecting the election of the Vice-Chancellor and Caput. When Cardinal Pole deprived the regents of their right of electing the Vice-Chancellor, he gave the nomination of two persons for that office to the heads of colleges, to the doctors of the three faculties, and to bachelors of divinity. Even this limitation was not sufficient for Whitgift and his colleagues. The new statutes limited the right of nomination to the heads alone, and gave the election to the regents and non-regents. With respect to the Caput, it seemed too arbitrary a measure to deprive the doctors, scrutators, and proctors of all right of appointing to that office; and a plan was most ingeniously devised, by which the whole power might be vested in the Vice-Chancellor, leaving these officers apparently a share in the appointment.

"The plan adopted was the following: the Vice-Chancellor makes out one list containing the names of a doctor of divinity, a graduate in law, a graduate in medicine, a non-regent, and a regent; each proctor provides a similar list; and out of these fifteen, the heads, doctors, and scrutators prick five, who shall constitute the Caput for the following year. Now it is an understood thing with

the heads invariably to prick the five names put down by the Vice-Chancellor; and no instance, I believe, exists of any individual being on the Caput who was not nominated by the Vice-Chancellor. Had the proctors been allowed to put down the names of three regents, and the scrutators of three non-regents, and each faculty of three of its members, leaving the heads to choose out of these fifteen, there would have been some justice in the arrangement, and some observance of the ancient custom of the University; but by the present statute the Vice-Chancellor has not only a negative voice upon every grace offered to the senate, but virtually appoints each individual of the Caput. The compilers of these statutes, having thus secured to their own order the nomination of Vice-Chancellor and the appointment of the Caput, introduced a clause giving to each master within his own college a VETO at all elections, in direct violation of their private statutes. And they confirmed their power by a proviso introduced at the end of the statutes: "If any thing doubtful or ambiguous should arise in these our (royal) statutes and regulations, it shall be explained and determined by the Chancellor and the greater part of the heads of houses; and we will, that all other persons shall yield to their decision and interpretation."

Whitgift was appointed Vice-Chancellor under the new academical statutes. Edward Deringe, a Puritan resident at that time in Cambridge, describes him as having "a froward mind" against Mr. Cartwright, and others of similar opinions; and as ruled by his affections, and not by his learning.

The Romanising feeling among the heads of houses is thus alluded to by Deringe in a letter to Sir William Cecil, dated the 18th November, 1570, and preserved in the British Museum: "If Dr. Harvey shall have scarcely chosen one Protestant to be a fellow for the last twelve

years (*i. e.* since the accession of Queen Elizabeth); if Dr. Perne keep such curates as fly away beyond the seas; if Dr. Hawford could not be brought to take away either Popish books or garments without great importunity, and in the end all the best and the richest he hath conveyed, none of the fellows know whither;—if greater crimes than these are as easy to be seen in them as their open-doings are easy to be known, I trust your honour will not allow of such accusers against a true preacher (Cartwright)."

Deringe remonstrates with Sir William Cecil, on account of his proceeding with such "fearful statutes" to the punishment of such small offences; and he requests the Chancellor to send down a new statute, that "no master of a house shall have a benefice except he serve it himself."

Cartwright soon suffered academical martyrdom from the new authority created at Cambridge. He was denied his degree of doctor of divinity, and forbidden to read public lectures; and after having been thus silenced, he was deprived of his fellowship in Trinity College, and finally expelled from the University.

For several years a controversy continued between the Puritans in the senate and the heads of houses respecting the new statutes. Lord Burghley, as Chancellor of the University, possessed great power; and in June 1572 he plainly informed the University that he could not suffer "this manner of rashness to increase, without tempering it with some colder humour to reduce the same to modesty." *

In September 1572 the Chancellor observed, on the occasion of settling a dispute at Cambridge, that he would much rather use the authority of his office "for the benefit

* See vol. i. p. 115, *infra*.

and preferment of the University, than bestow the little leisure which he had from greater affairs in the compounding of their quarrels."*

A Puritanical sermon, by the Rev. Bartholomew Charke, of Peterhouse, in December 1572, led to fresh complaints to Lord Burghley; and in the following February the offending divine was expelled by the Vice-Chancellor and the heads of houses.†

Nicholas Browne, a less determined Puritan, consented, about the same time, to retract some of the opinions‡ which he had uttered with respect to Church discipline; and the case of Thomas Aldrich, of Corpus Christi College, soon afterwards occurred, which involved a dispute between the University and Archbishop Parker, and a correspondence with Lord Burghley on the right of archiepiscopal interference, terminating in a compromise, by which the Heads of Houses addressed letters to his Grace the Archbishop,§ recognising the well-known and extraordinary care which he had always manifested for Corpus Christi College, as a ground of control in the case of that college under consideration.

Extravagance in dress, and religious scruples respecting the wearing of the surplice, caused perpetual trouble to the authorities of the University in the latter part of the sixteenth century. Their anxiety on both these subjects may be seen in the decree of the Chancellor and Heads of Houses in 1578, that no student should wear within the University "any hose of unseemly greatness or disguised fashion, nor yet any excessive ruffs in their shirts, nor swords nor rapiers, except when they were going out to ride." The same order included a direction to the Masters of Colleges, to cause "all such as had any sustentation, stipend, or other maintenance, within their houses,

* Vol. i. p. 122, *infra*.
† Ibid. p. 131.
‡ Ibid. p. 136.
§ Ibid. p. 155.

to conform themselves, and to reform all their disordered apparel, according to the local statutes of the house; or otherwise, if time in some points had caused alteration, yet to use such as should be comely and agreeable to their vocations."* Directions for apparel were suggested by the Bishop of London to Lord Burghley, in 1580, that the Heads of Houses should be enjoined by the Lord Treasurer, to see that all the members of their respective colleges should use scholars' apparel, according to their statutes.†

In 1585, Lord Burghley, with the assent of the Vice-Chancellor, the Masters of Colleges, and the Doctors of different Faculties, again issued orders on apparel for the members of the University, specifying that the pensioners should not wear a dress of "scarlet, crimson,‡ yellow, or any other light colour, besides what was there appointed;" the directions being framed to repress ostentation and expense, as well as to maintain uniformity.

Under the Long Parliament, the House of Commons resolved, in 1642, "that the statute made in the University of Cambridge, which imposeth the wearing of surplices upon all graduates and students under several pains, and which was reinforced by the canons made in 1603, ought not to be pressed or imposed upon any student or graduate, it being against the law and liberty of the subject; and it is therefore ordered, that it shall not, for time to come, be pressed or imposed upon any student or graduate whatsoever."§

At the Restoration, in 1660, the previous orders for uniformity in academical costume were re-established; but even under the Commonwealth there was much extravagance in dress among the students; and such unwise expenditure may perhaps be regarded as one of the follies

* Vol. i. p. 218, *infra*. Ibid. p. 404.

† Ibid. p. 263.

§ Vol. ii. p. 455.

incidental to the collection of large numbers of young men in a place of education.

The Crown, acting through the Chancellor of the University, exercised considerable control over academical affairs in the reign of Queen Elizabeth. Lord Burghley, in 1580, annulled two graces of the Senate; the Master of Magdalen College was duly chosen, in 1595, by the Fellows of St. John's College, to the Johnian Mastership, on the recommendation of the Queen. Dr. Smith was subsequently nominated to the Mastership of Clare Hall by Sir Robert Cecil, and his appointment was confirmed by the fellows.

In 1603, royal letters patent were sent to Cambridge, authorising the corporation of the University to elect two burgesses from their own body to represent their interests in Parliament; and in 1613 and 1616 royal directions were given for the imposition of a compulsory subscription to the three articles of the thirty-sixth canon, as a test for graduation.

Persecution continually raged at Cambridge during this eventful period, both against Roman Catholics and Puritans. The names of Legge, Digby, Hickman, Bambridge, Johnson, Barrow, Huddleston, Allesson, Brownrigg, Beale, and Worthington, are distinguished as sufferers for conscience sake in the present work. Some were imprisoned; and the arm of the secular power was constantly exercised in vain efforts to maintain compulsory uniformity of dress and dogmatic opinions.

Occasionally a milder spirit of toleration beams forth in the academical documents of the Tudor and Stuart dynasties. In 1581 Lord Burghley remonstrated with the Master and Fellows of Trinity College on their intended deprivation of a Mr. Medolph. Dr. Whitaker wrote against a University visitation in 1589, as likely to "pull

up more good plants than weeds;" and in compliance with his advice, this scheme appears to have been abandoned.

In 1608, an important change in academical laws was carried into effect, by an interpretation of the Heads of Houses, allowing residence to be optional in the University of Cambridge, after the degree of Bachelor of Arts. Colleges had been founded in earlier times specially to provide facilities of residence during long periods of professional education; and the cessation of study in the University after the first or bachelor's degree soon rendered the subsequent course of instruction merely nominal; and thus the college studies became principally limited to the general or secular subjects required by statute or University custom for the first degree.

Ancient religious foundations were, by this remarkable "interpretation," virtually secularised, and a liberty, unknown to ancient times, was permitted to the junior fellows of colleges, of residence at a distance from the University.

Constant disputes occurred, at all periods of University history, between the academical authorities and the town of Cambridge; investigations were, from time to time, conducted into the moral conduct of some of the fellows of colleges; and the law of compulsory celibacy for the fellows, appears to have led almost necessarily to academical scandal, which is exemplified in the case of Remigius Booth.

A calm view of the interior of Cambridge life is contained in the letters of Mead to Sir Martin Stuteville, from 1622 to 1625. The diary of Dr. Worthington, Master of Jesus College, and the narrative of the undergraduate career of Oliver and Nathaniel Heywood, display the manners and pursuits of the University at the period of the Commonwealth.

Archbishop Laud attempted, in 1635, to establish a right of metropolitan visitation over the University of Cambridge, which was supported by a royal decision of King Charles the First in his favour; but the temper of the times was adverse to such a stretch of ecclesiastical power; and in the time of the Long Parliament, the University acknowledged only the royal right of visitation.

In September 1654, the Lord Protector, Oliver Cromwell, appointed commissioners to visit each of the two Universities of Oxford and Cambridge. His ordinance for this purpose was issued in the following words:

"Whereas the carrying on and perfecting of the reformation and regulation of the Universities of this land is a work very much conducing to the glory of God and the public good, for want of which many inconveniences and evils do and cannot but ensue:

"Be it therefore ordained by his Highness the Lord Protector, by and with the consent of his Council,

"That the Vice-Chancellor of the University of Oxford for the time being; William Viscount Say and Seale; Nathaniel Fiennes, Esquire; Sir Charles Wolseley, Baronet; Humphrey Mackworth, Esquire; Bulstrode Whitelock, one of the Lords Commissioners of the Great Seal; Samuel Dunch, Esquire; Sir John Dreydon; Richard Ingoldesby, John Crew, George Fleetwood, John Bright, —— Jenkinson, and —— Greenfield, Esquires; Dr. Robert Harris, President of Trinity College; Dr. Christopher Rogers, Principal of New Inn Hall; Dr. Thomas Goodwin, President of Magdalen College; Dr. John Owen, Dean of Christ Church; Dr. Henry Wilkinson, the Lady Margaret's Professor of Divinity; Dr. Peter French, Prebendary of Christ Church; Dr. John Conant, Rector of Exeter College; Dr. Jonathan Goddard, Warden of Merton College; Mr. Thankful Owen, President of St. John's College; Mr. Stephens, Principal of Hart Hall; Mr. James Baron, of Magdalen College; and Mr. Francis Howell, Fellow of Exeter College; or any seven or

more of them, be, and they are hereby constituted and ordained, commissioners for visiting the said University.

"And the Vice-Chancellor of the University of Cambridge for the time being; the Lord Henry Cromwell; Henry Lawrence, Lord President of His Highness's Council; John Lambert, Esquire; John Disbrow, Esquire; Sir Gilbert Pickering; Colonel Edward Montague; Francis Rous, Esquire; Oliver St. John, Lord Chief Justice of the Common Pleas; John Thurloe, Robert Castle, Thomas Bendish, Robert Vinter, Griffith Lloyd, Esquires; Sir William Strickland; Dr. Anthony Tuckney, Master of St. John's College; Dr. John Arrowsmith, Master of Trinity College; Dr. Horton, President of Queen's College; Dr. Samuel Bolton, Master of Christ's College; Dr. Lazarus Seaman, Master of Peter House; Dr. John Lightfoot, Master of Catherine Hall; Mr. John Sadler, Master of Magdalen College; Dr. Whichcott; Dr. Cudworth; Mr. Worthington, Master of Jesus College; Mr. Dillingham, Master of Emanuel College; Mr. Simpson, Master of Pembroke Hall; Mr. Templar, Fellow of Trinity College; Mr. Mowbrey, Fellow of St. John's College; Mr. William Moses, Fellow of Pembroke Hall; Mr. Wood, Fellow of Magdalen College; or any seven or more of them, be, and they are hereby constituted and ordained, Commissioners for the visiting the said University.

"And [for the visiting] all Colleges and Halls within the said Universities, and all Governors, Masters, Presidents, Principals, Provosts, Professors, Fellows, Graduates, Students, Scholars, or other members and officers of the said Universities, and of all and every the said Colleges and Halls; and shall have, use, and exercise all and every the like powers, authorities, and jurisdictions, as any person or persons heretofore appointed Visitors of either of the said Universities, or of any College or Colleges, Hall or Halls, within the same, or which any Visitor or Visitors now have or heretofore had, and lawfully used and exercised by force or virtue of any law, statute, ordinance, custom, commission, patent, or foundation of any College or Hall respectively, and to proceed in the execution thereof as fully and amply as

any Visitor or Visitors may or ought to do, or have done, to all intents and purposes; and that all and every act and acts, thing and things, which shall be done by the said Commissioners before named, or any seven or more of them, according to and in pursuance of the powers and authorities aforesaid, shall be as good, effectual, and of as full force, as if the same had been acted or done by such Visitor or Visitors.

"And be it further ordained by the authority aforesaid, that the commissioners before named, or any seven or more of them respectively, for each University, calling to their assistance such person and persons as they shall think fit, shall consider of the best ways and means for the well ordering, regulation, and good government of the said Universities respectively, and of the Colleges and Halls therein, for the better advancement, countenance, and encouragement of piety and learning in the said Universities, and shall examine what Statutes of the said Universities, or of the said Colleges and Halls respectively, or what of them are fit to be taken away, abrogated, or altered, and what is fit to be added, for the better ordering and government of each of the said Universities respectively in general, and the several Colleges and Halls within the said Universities in particular, in matters of religion, manners, discipline, and exercises, and shall exhibit the same to His Highness and the Parliament.

"And be it further ordained by the authority aforesaid, that in the meantime the Commissioners before named, or any seven or more of them, for each University respectively, shall have power, and are hereby authorised to explain such Statutes of any of the said Colleges or Halls as, being ambiguous or obscure, shall be offered unto them for that purpose; as also to hear, examine, decide, and determine all and every such controversy and controversies by or upon any appeal or appeals which shall be brought before them by any person or persons, being a member of the said University, or [controversies] of any Students or Scholars within the same, or [within] any of the said Colleges or Halls, which are not clearly determinable by the Statutes of such respective College or Hall, or of the said Universities respectively; and that all and every such determination of the said

commissioners, or any seven or more of them as aforesaid, shall stand and be, and shall be reputed and adjudged to be valid and in full force, and to be obeyed accordingly. And all Sheriffs, Mayors, Justices of the Peace, and other Ministers of Justice, are hereby required to be aiding and assisting the Commissioners in the due execution of the premises.

"And it is further ordained by the authority aforesaid, that the said Visitors, or any seven or more of them, for each University respectively, are hereby empowered to find out and settle some equal and just way of competent allowances to their register and mandatory for their attendance and pains during the time of their visitation.

"And be it further ordained by the authority aforesaid, that the said Visitors for both the said Universities, or any four or more of them, whereof two at the least [are] to be Visitors of each University, be and are hereby appointed to be Visitors of the School of Westminster; and that the said Visitors of the said University of Oxford, or any four or more of them, be and are hereby appointed to be Visitors of the College and School of Winchester, and of Merchant Taylors' School, London; and that the said Visitors for the University of Cambridge, or any four or more of them, be and are hereby constituted and appointed to be Visitors of the College and School of Eton, and of the Masters, Fellows, and Scholars in the said respective Colleges and Schools, and are hereby authorised to put in execution all and every the powers and authorities heretofore given or granted to any Visitor or Visitors of the said Schools and Colleges respectively, or any of them, by any Statutes of the said Colleges or Schools, and to consider of any Statutes of the said Colleges and Schools which are fit to be taken away and abrogated, and of such other Statutes as are fit to be made for the well ordering and government of the said Colleges and Schools respectively, for the better advancement of piety, learning, and good nurture in the said Colleges and Schools, and present the same to be approved as aforesaid."*

In 1656, an Act of Parliament was passed to confirm

* Scobell's *Acts and Ordinances*, September 1654.

the Ordinance of the Lord Protector and his Council in 1654, for the visitation of the Universities of Oxford and Cambridge. This Act (Sess. 1656, cap. 10) commenced as follows:

"Whereas, since the 20th day of April, 1653, in the great exigencies and necessities of these nations, divers Acts and Ordinances have been made without the consent of the people assembled in Parliament, which is not according to the fundamental laws of the nations, and the rights of the people, and is not for the future to be drawn into example, yet the actings thereupon tending to the settlement of the estates of several persons and families, and the peace and quiet of the nations: Be it enacted by His Highness the Lord Protector and this present Parliament, and it is hereby enacted and declared by the authority of the same," &c. &c.

It was enacted by this Statute, that the Ordinance for appointing Visitors for the Universities should be confirmed and continued for six months from and after the end of the first Session of the Parliament.

The extensive visitatorial powers thus granted were regarded with considerable jealousy by the Universities, and a proposition was made to the Visitors, by a committee of members of the Oxford Convocation, requesting them not to carry into effect any alteration until the intended change had been notified to and confirmed by His Highness the Lord Protector and the Parliament. New members were also suggested by the committee to be added to the visitatorial body, and a limitation of the term of office of the Visitors to one year was proposed. Such suggestions were, however, not listened to by the Visitors; and an appeal was consequently made to the Lord Protector and his Council, who cautiously abstained from any undue sanction of extraordinary interference with existing laws. The negociation ended in a feeling of confidence that the Visitors would use their powers with discretion, and in an assurance

from the Lord Protector and his Council that they would not exercise any legislative authority in making new Ordinances previous to the sitting of Parliament.* At this period both Universities seriously took up the cause of reform: a multitude of promissory oaths were removed from the Statute-books; and academical expenses and excessive entertainments were placed under regulation. The wearing of University gowns appears to have been nearly voluntary, and, according to Wood, "every one that pleased did take the liberty to neglect the use of academical habits without control." It was farther openly stated in the Oxford Convocation, that if any person were dissatisfied in conscience concerning the unlawfulness of using the dresses of the University, he might have a personal dispensation for himself. The Convocation would not, however, grant any general dispensation with respect to the wearing of academical gowns; and the Visitors found that on various points they were unable to carry into effect the changes which they wished for in the University. Decrees of the Visitors were accordingly published, on the supposition that they had the power to make statutes; and the idea was entertained among the Visitors of remodelling the Convocation itself, and of placing its powers in the hands of godly and prudent men, by the majority of whom new members might be admitted. This last-mentioned proposal was based on the following reasons:—"That the multitude of employments abroad soon took off from the University all that were of any worth, and that the greatest part of those who remained were but drones, or were too young to be intrusted with government." The Vice-Chancellor of Oxford, Dr. Owen, eagerly promoted the changes proposed by the Visitors; but on his arrival in London he was induced to desist from such extensive

* Wood's *Annals*, A.D. 1654.

alterations, and the rules of the Visitors were principally confined to matters of inferior moment.

At Cambridge, as well as at Oxford, the Parliament had previously interfered to remove the religious tests imposed on graduation. In January 1640-1, the House of Commons resolved, "that the statute made about twenty-seven years since (in 1613), in the University of Cambridge, imposing upon young scholars a subscription according to the 36th article of the canons made in the year 1603, is against the law and liberty of the subject, and ought not to be pressed upon any students or graduates whatsoever."*

Copies of the solemn league and covenant were sent down to Cambridge in 1643, and the names of those who took† and who refused this new test were to be returned to Parliament. In the following year, college offices‡ were restricted to those who took the league and covenant; and the word "office" was defined to mean "any place of special trust," viz. the bursar, dean, &c.; or of special command, such as the president, the seniors, and the deputies.

In 1650, another test, "the engagement," was imposed on the University, which was submitted to with many secret murmurs,§ and often signed in a non-natural sense, as only binding until a party should appear in opposition to the dominant power.

On the restoration of the monarchy in 1660, King Charles the Second issued a declaration concerning ecclesiastical affairs, in which he stated his will and pleasure, that no persons in the Universities should, for the want of subscription to the three articles of the 36th canon, "be hindered in the taking of their degrees."|| But that monarch soon acquiesced in a different line of policy; and the religious tests which had been enforced before the civil

* See vol. ii. p. 438, *infra*.
† Ibid. p. 458.
‡ Ibid. p. 463.
§ Ibid. pp. 532, 535.
|| Ibid. p. 544.

wars were re-established in the Universities shortly after his accession to the throne.

In 1662, the Act of Uniformity gave a Parliamentary sanction to an organised system of ecclesiastical tests, extending over the whole of the higher endowments of the Universities and their Colleges, and regulating the forms of public worship in the College chapels. By this act, the use of the Morning and Evening Prayers of the Church of England is prescribed, without addition or diminution, for the daily services of the chapels in Colleges; and its injunctions are almost universally obeyed at Cambridge.

Many portions of the present work show the peculiar characteristics of opinion in the 16th century. Thus, Archbishop Whitgift, in 1584, doubted the expediency of printing being continued in the University of Cambridge; and recommended that no books should be printed there unless they had been previously allowed by lawful authority.* Great complaints of the parents of young men at Cambridge are mentioned by Lord Burghley, in 1587,† both on account of the loss of the students' time and of the expense of University education.

The documents relating to the Chancellorship of Lord Burghley have been copied from the Burghley Papers in the Lansdowne Manuscripts in the British Museum, and the Parliamentary Journals have been consulted for the illustration of academical history.

* See vol. i. p. 381, *infra*. † Ibid. p. 500.

CONTENTS

OF

THE FIRST VOLUME.

PAGE

Statutes of the Rev. Dr. Whitgift, Master of Trinity College, given to the University of Cambridge, by the authority of Queen Elizabeth, A.D. 1570 . . 1

Introduction to the statutes 1

1. Terms for lectures and disputations; interval of the long vacation 3

2. Examination and inauguration of bachelors . . . 4

3. Public lecturers 4

4, 5. Arrangements for public lectures 5

6, 7. Undergraduates and bachelors of arts 7

8-10. Masters of arts, ten-year men, and bachelors of divinity 8

11-13. Doctors of divinity, students and bachelors of (civil) law 9

14-19. Doctors of (civil) law, students of medicine and surgery, bachelors of medicine, doctors of medicine, and forms for the degree of master of arts 10

20. Ceremonies in conferring degrees 11

21. Granting graces 11

22-24. Disputations of sophs, disputations and declamations of bachelors 13

25. Disputations of masters of arts 14

26. Disputations of bachelors of divinity, and of masters of arts of four years' standing, who were not engaged for the disputations of civil law or medicine, [and who were supposed to belong to the faculty of divinity, if they did not profess to belong to the faculties of medicine or civil law] . . 14

27. Order for the supply of disputants and opponents from the different colleges 15

28. Disputations of (civil) lawyers 16

29-32. Disputations of medical students, disputations in all the faculties, appointment of professors and lecturers to preside over and to determine disputations, disputations at vesperies, and on the day of assembly 17

PAGE

33. Election of the chancellor 18
34. Election of the vice-chancellor 19
35. Election of the proctors 20
36, 37. Election of the scrutators and taxors 23
38. Number, office, and election of the esquire bedells . . 24
39. Election of the keepers and auditors of the common chest (of the University) 25
40. Nomination and election of the readers, bedells, stationers, gaugers, wine-dealers, and other servants or officials of the University, not provided for elsewhere, and here appointed to follow the form prescribed for the election of the vice-chancellor (chap. 34) 26

N.B. This statute was extended, in 1613, to the election of the burgesses or representatives of the University in the House of Commons, by a decree of the heads of houses. See vol. ii. p. 258, "On the mode of electing the burgesses." At the present day the members for the University are, however, uniformly elected by the University-senate, without the restrictions of chap. 34, imposed on the choice of the vice-chancellor.

41. Election of the caput (or head committee of the University), and authority of the caput 26
42. Office of chancellor, including also that of the vice-chancellor 28
43. Office of proctors 29
44. Public orator 30
45. University sermons 30
46. Dress of the students 31
47. Decorum and courtesy in manners 32
48. Legal causes and appeals 35
49. Fees to be paid by members of the University taking degrees 36
50. Ordinances prescribed for the colleges (with a few additional rules), including regulations for attendance at religious services in the colleges, with pecuniary fines for absence from the college chapels 39
50 (continued). Rules for problems, disputations, responsions, sermons, lectures 40
50 (continued). Rules for tutors, college-lectures, the reading and knowledge of the English language, the terms of admission into a college, the entrance-examination, and the limitations on the teaching of grammar 41
50 (continued). Rules for moderation in entertainments, for the limitations of fellowships in the colleges of theologians to bachelors of arts, for the determination of the county to which any one belongs, for cases of expulsion from a college, for heads of houses, for the preference of the clever sons of poor parents over the sons of the rich and powerful,

PAGE

in the election of fellows and scholars, for the diminution of expenses in feasting, and for the power of the master of a college in his own college 42

50 (continued). Rules against proxy-voting in any kind of election, on the payments to lecturers, for college-bursars, for the celibacy of college-fellows, for the shutting of the college-gates at night, for the registration of grants, for the regulation of the lord of misrule in Christmas festivities, for the abolition of feasts and payments for charity at funeral obsequies 43

50 (continued). Rules for the commemoration of college-benefactors, and the payment of the college-preacher in honour of these benefactors 44

50 (concluded). Powers of the heads of houses, division of the fines appointed in the statutes, imposition of fines, repeal of all statutes, agreements, and customs opposed to the holy Scriptures, to the royal injunctions, or to these statutes; right of the chancellor and the majority of the heads of houses to interpret and determine doubtful passages in these royal statutes, order for four copies of these statutes. Signature of the chancellor (Cecil) 45

Act of parliament concerning purveyance in the University, A.D. 1571 46

Act of parliament for the incorporation of the Universities of Oxford and Cambridge 50

Decrees of the heads of houses against University men bathing in the county of Cambridge 56

Decree of the heads on the election of the father, &c., and the limitation of the power of the proctors at the tripos . . 57

Limitation about wearing hats 58

Controversial letters and papers relating to the disputes about the new statutes, A.D. 1572 58

Letter of the vice-chancellor and heads to the Archbishop of Canterbury 58

List of subscriptions in opposition to the new statutes . . 61

Paper addressed to Lord Burghley 63

Letter of the heads to Lord Burghley 64

Minutes of evidence before the Archbishops of Canterbury and York and the Bishop of Ely, on the disputes about the new statutes 65

Objections of the body of the University against the new statutes 66

Answers to the objections 82

Reply to the answers 99

PAGE

Letter of the two archbishops and three bishops to Lord Burghley on the controversy 108
Complaints of the heads of houses against Mr. Beacon and others for opposition to the statutes 109
Letter from Lord Burghley to the University 113
Letter from the vice-chancellor to Lord Burghley . . . 115
Reports of Dr. Hawford and Dr. Chaderton, and certain interrogatories administered by Dr. Kelke, the vice-chancellor, touching the case of Mr. Beacon, senior proctor . . 116, 117
Depositions against Mr. Beacon 118
Letter from Lord Burghley to the University, explaining the statute for the election of lecturers and others . . . 121
Decree of the heads, Dec. 6, 1572, touching the sum to be allowed to the two proctors of the University, for the charges of the night-watches 122

Letters relating to the expulsion of Mr. Charke for puritanism, 1573.

The vice-chancellor to Lord Burghley on the anti-episcopal doctrines of Mr. Charke, and the "superstitious monuments" kept by Dr. Caius 123
Mr. Charke to Lord Burghley—appeal against the heads . 125
The heads to Lord Burghley 127
Expulsion of Mr. Charke 130
Mr. Charke to Lord Burghley 132
Decree of the heads, on the size of bushels, Jan. 17, 1573 . . 133
Graces of the senate, viz. disputations of masters of arts, penalty for not disputing, substitution of lecturers, pensioners and strangers admitted to degrees, election of scrutators . 133-35
Retractation of Nicolas Browne, who had preached puritanical doctrines 136
Letter of N. Browne to Lord Burghley complaining of the injustice of his prosecution 137

Letters concerning Mr. Aldrich, who wished to continue master of Benet or Corpus Christi College, without taking his degree of bachelor of divinity.

Archbishop Parker to Lord Burghley, on the case of Aldrich . 139
Archbishop Parker to the Queen, on the same case . . .
The ecclesiastical commissioners to the vice-chancellor, demanding the appearance of Thos. Aldrich before them . . . 142
The heads to Lord Burghley 143
The college to the same 144
Archbishop Parker to the same 145
From the same to the same 147

PAGE
Lord Burghley to the vice-chancellor and heads, advising Aldrich to appear before the archbishop and the commissioners 150
Archbishop Parker to the vice-chancellor 151
Archbishop Parker to Lord Burghley 152
The University to Lord Burghley 153
The heads to Lord Burghley, declaring Aldrich incapable of holding the mastership, but referring the matter to the archbishop 154
The vice-chancellor to Lord Burghley on Mr. Myllane's sermon; on the ordering and making of minister; on fasting on saints' eves, and keeping their days as festivals . . . 156
Decrees of the heads, on fines for absence from the ordinary lectures, 1574 159
Decrees against plays and games within five miles of Cambridge 160
Interpretation of a statute on the disputation on the degree of bachelor of divinity 162
Grant for a new street 162
The heads to Lord Burghley, recommending Philip Bignon, a Frenchman 165
The vice-chancellor to Lord Burghley, on the causes of the plague, state of the town, and on Stourbridge fair . . 166
The ecclesiastical commissioners to the University, 1575 . . 170
The University to Lord Burghley, for an order to admit strangers to degrees 171
Interpretation of a statute on the admission of strangers to degrees 173
Grace of the senate, on the oath required from proctors and scrutators 175
The heads to Lord Burghley, rejecting Mr. Philip Bignon as Hebrew lecturer, on the ground of his not being a graduate 176
Decree of the heads, on the authority of the proctors . . 177
Case of Mr. Middleton of Queen's College, who was deprived of his fellowship, in consequence of his not having taken his degree of master of arts within the proper time 177
The fellows of Queen's College to Lord Burghley, in behalf of Mr. Middleton 181
From the same to the same, claiming the right of appeal for Mr. Middleton 182
Order of the Privy Council against scholars being present at plays 185
Grace of the senate, forbidding the oath to the town . . 187
Dr. Perne to Lord Burghley, on quitting the office of vice-chancellor—copy of the foregoing grace 189

PAGE
Letter to Lord Burghley from the master and fellows of Corpus Christi College, on the settlement of their disputes . . 190
Acts of parliament relating to the Universities, and the colleges of Eton and Winchester 196
Act for the maintenance of the colleges in the Universities, and of the colleges of Winchester and Eton, 1576 319
Dr. Whitgift to Lord Burghley, against corruption in the disposal of fellowships 195
Mr. Faulkner's sermon against the University, from the text, "Be not wise in your own conceits" 197
Grace of the senate (1577), on the robes to be worn by doctors upon holidays 202
Mr. Faulkner to Lord Burghley, petitioning against his imprisonment for his sermon 202
The vice-chancellor to Lord Burghley, on the secret marriage of a student 203
The University to Lord Burghley, on Stourbridge fair . . 205
The University to the Queen, on the same subject . . . 208
Interpretation of a statute on graces for the degrees of noblemen 209
The University to Lord Burghley, on the infringement of their privileges by mandates 211
Lord Burghley to the University, against mandates . . . 213
Graces of the senate (1578), for more frequent sermons in the University church 215
Against refusing to accept a grace 216
Decree against excess in apparel 216
Decrees of the heads, on the election of the vice-chancellor, that no office shall exempt from any exercise, and on doctors' hoods 219
Order of the Court of Exchequer, that John Pooley, a privileged man, is not to be impleaded before the chancellor of the University 221
Interpretation of a statute for the matriculation and residence of scholars 221
Dispute with the town relating to the enclosure of Jesus College Green, 1579 224
Case of Remigius Boothe, ejected from his fellowship in Gonville and Caius College 227
Appeal to the vice-chancellor 227
Depositions relating to the charges against Mr. Boothe . . 228
Extracts from the statutes of Gonville and Caius College, "on the Visitor" and "on infamy" 234

PAGE
Depositions relating to the excommuning of Boothe . . 236
Appeal to the vice-chancellor 248
Articles in defence of Boothe, put in by himself . . . 254
The vice-chancellor's sentence 260
1580-1589. The Bishop of London to Lord Burghley, on contentious preaching, and the use of unscholarlike apparel, 1580 . 263
Disputes with the town. Doubts and ambiguities relating to some articles drawn up between the University and the corporation 264
Plain answers to the doubts 265
Answer of the University 266
Graces of the senate (1580), that all doctors of every faculty are to vote in the nomination of the vice-chancellor and lecturers, &c.; and that masters of colleges are bound to the combination of preaching 268, 269
The heads of colleges to Lord Burghley, against the two foregoing graces 270
The vice-chancellor to Lord Burghley, on the same subject . 272
Reference of the matter by Lord Burghley to the Archbishop (Grindal) of Canterbury 276
The archbishop to Lord Burghley 277
Lord Burghley to the vice-chancellor, expressing his disapprobation of the two graces in question 281
Lord Burghley to the heads, annulling the two graces . . 287
Dispute with the town, on the assault of a student by a townsman 288
Letter from Lord Burghley to the mayor, denying the power of the town authorities to interfere in the case of a student 290
Lord Burghley to the University on this case 291
Lord North to the vice-chancellor, complaining of certain railing and false reports which had been used against him . . 292
From the same to the same, denying that he had given one Robinson license to shew certain games 295
Peter Baro to Lord Burghley, requesting assistance. . . . 296
The University to Lord Burghley, requesting him to write to the vice-chancellor and masters respecting the monthly payment of the scholars' commons; notice of writs of error 297
Graces of the senate for new seals, and to oblige the masters of arts to attend disputations 298
Dispute relating to a bear-baiting at Chesterton, 1581 . . 299
The vice-chancellor to Lord Burghley, on unlawful games . 302
The University to the same, on the bear-baiting . . . 303
Depositions touching the evil dealings of one Paris, a constable, towards certain scholars 305

PAGE

Depositions against Richard Paris and Thomas Paris, for resisting the proctor at Chesterton 306
Submission of the offenders 309
Lord Burghley to the University, on the misdemeanor of the two Parises 310
Graces of the senate, for sealing letters, and for the payment of the principal librarian 311
Lord Burghley to the master and fellows of Trinity College, touching their depriving one Medolph of his fellowship for holding certain opinions, a punishment which the chancellor thought too severe for the offence 312
Interpretation of a statute, ordaining who is to succeed, in case one of the five who are nominated to be on the caput of the senate refuses to act 314
Disputes in Caius College arising out of the alleged papistry of the master, Dr. Legge. Complaint of the fellows . . 314
Articles against the master, who is suspected to be corrupt in his religion and to teach false doctrine 316
Further articles against Dr. Legge, concerning the decay of the revenues, and the appropriation to his own use of certain sums belonging to the college 321
Depositions of witnesses against Dr. Legge and Mr. Swale . 327
Protest of the master and of Richard Swale, M.A., president of Caius College 338
Answer of the fellows to the protest 340
Interpretations of statutes, on the payment for degrees, &c. 1582 342
Further disputes in Caius College, relating to the election of a proctor. The fellows to Lord Burghley, praying him to put down obnoxious persons, and to interpose to secure a proper person to be elected proctor 344
The visitors to the same, objecting to Mr. Swale as proctor . 348
Sir Christopher Hatton to the fellows, recommending Mr. Swale as proctor 349
Interpretation of a statute, on appointing masters of arts to dispute at the assemblies (*comitiis*) 351
The University to Theodore Beza, thanking him for his present of books to the library of the University 352
Continuation of the disputes in Caius College. Complaints of the fellows against the president, Mr. Swale . . . 353
Richard Swale to Lord Burghley, praying for a free election to the proctorship 355
Sir Christopher Hatton to the visitors of Caius College, recommending Mr. Richard Swale as proctor 357
The fellows to Lord Burghley, complaining of Mr. Boothe and

PAGE

Mr. Swale, for failing in respect to the fellows, and for resisting their authority 359
The visitors to the same, stating the results of their inquiry and examination 361
Dr. Goade to the same, stating the opinions of the visitors respecting the election of proctor, and the increase of the master's stipend 363
Extracts from the statutes sent by Dr. Goade to the chancellor 365
The vice-chancellor to Lord Burghley, touching the complaint of Swale, and the denial of Boothe 366
Lord Burghley to the vice-chancellor, accepting the acknowledgment of Swale and Boothe 368
Interpretation of a statute, on the second nomination of the proctors 370
The fellows of St. John's College to Lord Burghley, on the Queen's letter, by which the appointment of a proctor from their college was prevented 370
Interpretation of a statute, on the dispensation for strangers taking degrees 371
The heads to Lord Burghley, praying him to interfere in behalf of Mr. Thomas, the University printer, against certain of the Company of Stationers in London 372
The heads to Lord Burghley, recommending to his favour Mr. Hodilowe, respecting a matter which had been called into the Star-Chamber. 374
Grace of the senate, on fraudulent petitions, 1584 375
The Privy-Council to the vice-chancellor and mayor of Cambridge, containing a prohibition against the excessive number of small tenements raised within the liberties of Cambridge, and let out as lodgings to poor persons 375
Breach of the University privileges, relating to the sale of wines. The heads to Lord Burghley, respecting one Keymar, a vintner, licensed by Sir Walter Raleigh 378
The heads to the Earl of Leicester, praying him to speak to Sir W. Raleigh respecting Keymar the vintner . . . 379
Archbishop Whitgift to Lord Burghley, on some factious books printed at Cambridge 381
The Earl of Bedford to Lord Burghley, praying him to hear the case of Dr. Browninge, who had been removed from his fellowship in Trinity College at the instigation of Dr. Still . 383
Dr. Still and the seniors to Lord Burghley 384
Various articles disputed with the town; interpretation of ministers; graduates residing in the University to go toll-free; bedell's retained servants, under the name of gardeners . 385

PAGE

Report from the vice-chancellor, relating to the sale of wines, and the case of Keymar the vintner 386
The vice-chancellor to Lord Burghley, relating to the obstinacy of Keymar the vintner 388
Decree of the heads of houses on the admission of students . 389
Dr. Whitaker to Lord Burghley; an apology for himself. . 390
Case of Tobias Bland, accused of libel and blasphemy . 392
The members of the senate to Lord Burghley, complaining that Bland had returned to the University after his expulsion, and had taken part in the public disputations, and also claimed his master's degree 394
Orders for apparel; regulations for the material and shape of gowns; punishment for non-compliance, 1585 397
Disputes relating to meat and wine. Meat forbidden in Lent . 406
The heads to Lord Burghley, complaining of the interference of the mayor, concerning the restraint of killing and eating flesh in Lent and on other fast-days 406
The Privy-Council to the mayor of Cambridge, appointing the vice-chancellor to be overseer of victuals and victuallers, 1586 408
The heads to Lord Burghley, praying him to restrain the troublesome practices of Keymar the vintner, who was seeking to have his sentence reversed in the Court of King's Bench 410
The senate to Lord Burghley, on the same subject . . . 412
Opinion of the chief justices, confirming to the University the nomination of vintners, and the power of setting prices upon wines 413
Grace of the senate against the London booksellers, 1585 . 424
Dispute with the town, relating to Stourbridge fair, 1586.
The University desire a proviso, concerning their own privileges, to be inserted in the patent granted to the town for Stourbridge fair 414
Petition of the University, to make peace between the University and the townsmen 418
Dispute relating to the sheriff's oath.
A letter, requiring the sheriff of Cambridgeshire to take an oath—as was done by the sheriffs of Oxon and Berks—to preserve the liberties and privileges of the University . 420
Exceptions taken to the oath, by T. Wendye, Esq. . . . 422
Reply of the University to the exceptions 423
A declaration, made by Mr. D. Perne to the lord treasurer, touching the suit of the sheriff's oath 426
Letter of the Council to Mr. Wendye, requiring his appearance before them for contempt 428

PAGE

Decrees of the heads, that no one, without a license from the head magistrates, is to impugn openly any preacher or any one else setting forth false doctrine, &c.; decrees on scholars' apparel, and on the behaviour of scholars 429

Continuation of the dispute relating to the sale of wines; the Earl of Leicester to the vice-chancellor, requiring him to put down the trade of Keymar, and to prevent him from selling wine for the future within the town of Cambridge . 431

The heads to Lord Burghley, requesting him to secure for them the right of nominating vintners 433

Suit of the University, relating to the sale and prices of wines, 1586, 1587 434

The heads to Lord Burghley, thanking him for his assistance in the suit about wines 436

Grace of the senate, for conferring the same rights and privileges as are enjoyed by the other colleges on Emanuel College, 1586 437

Dr. Perne to Lord Burghley, informing him of a meeting that had been held to settle the dispute with the town about the privileges of Stourbridge fair, 1587 438

Proposal to appoint justices of the peace for the University, 1586 441

Trial (in the Court of Exchequer), relating to the sale of wines at higher prices than the statutes allow 443

Case of Dr. Moses Fowler, who alleges the privileges of the University before the judges of the Queen's Bench . . . 454

Plan for the division of ecclesiastical benefices . . 457

J. Beacon to Lord Burghley, giving a plan for providing livings for godly and learned preachers in the University . . 457

A project of the vice-chancellor and others, touching the preferment of students in divinity 459

The University to Lord Burghley, complaining of the insolence and aggression of the townspeople 461

Graces of the senate, on the division of fines; and on the increase of salary to the public orator 463

The fellows of Christ College to Lord Burghley, respecting their late dispute with the vice-chancellor 464

Sir Walter Mildmay, on the part of the master and fellows of Christ College 465

Thomas Preston to Lord Burghley, stating the case of Henry Woodhouse, who desired to proceed in law, before he had completed the full term of six years 466

The vice-chancellor to Lord Burghley, requesting that Mr.

PAGE

H. Woodhouse may be allowed to have his grace, as four days are all that are required for the completion of his term 468

Grace of the senate, that no dealings are to be allowed with any townspeople who have been suspended, except with the permission and concurrence of the senate 469

Complaint of the mayor against one William Hamond, for putting hogs into the town-pasture, and against the vice-chancellor, for arresting two of the pound-keepers, and detaining one of them, contrary to the act of Habeas Corpus . 470

Answer of the University, claiming their right to the pastures and commons of the town, and justifying the imprisonment of the pound-keeper 471

Memorial presented by the University to Lord Burghley, touching the controversies between the University and the burgesses of the town of Cambridge 475

The first composition quoted between the University and the town 476

Breaches of the said composition by the mayor . . . 477

Privileges of the University 478

The said privileges impugned by the mayor 479

The second composition (1575) 479

Breaches of the said composition by the mayor . . 481

Complaint against the mayor, that he was the occasion of the contention between the University and the town . . . 481

Petition of the University, for quietness with the town . . 483

Answer to the mayor's complaint respecting William Hamond, and the imprisonment of the pound-keeper . . . 486

Charges against the mayor; his early education; his ingratitude to Archbishop Parker, in whose service he had been; his appointment as one of the vintners of the University; his election as mayor; his refusal to invite the vice-chancellor and the heads to the mayor's and bailiff's feast; his contemptuous behaviour on taking of the mayor's oath; and his arrogance and pride 487

Articles to prove the peculiar right of jurisdiction of the chancellor, masters, and scholars of the University . . . 491

Privileges of the University, whereby they are empowered to proceed against forestallers, regraters, and ingressers . . 493

Proviso of the town, for buying and conveying corn . . . 495

Objections of the University to the proviso of the town, as being likely to raise the price of corn and victuals, and to prove injurious to the poor scholars and others of the University . 495

The vice-chancellor to Lord Burghley, stating the case of Ralph Durden, who styled himself Elias, and who was accused of disorderly preaching in divers places; also of writing certain fantastical interpretations of the Revelation of St. John; as

PAGE

well as of uttering, both by word and pen, certain dangerous matter respecting the estate of the realm . . . 498

The examination and confession of Robert Williamson, tailor, respecting Ralph Durden 498

Lord Burghley to the vice-chancellor, on the large stipends and small services of the tutors; on the great excess of apparel in fellows of colleges; and on other abuses 500

Graces of the senate, that no lands, houses, tenements, or offices, belonging to the University, or any of the colleges, or scholars, are to be let, sold, or given to any of the townspeople, without a license from the vice-chancellor, masters, and scholars; and that scholars siding with the townspeople are, *ipso facto*, to lose their scholastic privileges for ever . . 501

Lord Burghley and Archbishop Whitgift to the vice-chancellor, requesting him to investigate the case of Mr. Digby, who complained of being unjustly deprived of his fellowship by Dr. Whitaker, master of St. John's College, 1588 . . 503

The heads to the Queen, requesting her interposition against the judges of the court of Exchequer 504

Case of Mr. Digby, deprived of his fellowship for non-payment of his commons. Dr. Whitaker to Lord Burghley, stating his reasons for depriving Mr. Digby of his fellowship . . 506

Answers of Dr. Whitaker to the objections offered by Mr. Digby, 1st, touching the offence; and, 2dly, touching the defects in the manner of proceeding 507

Mr. Digby not having paid his commons, his removal is argued to be just, according to the statute 512

Answer to such objections as were made against the lawfulness of the action 513

Mr. Digby suspected to be of corrupt religion; he refuses to communicate; speaks dangerously of the Low Countries and Sir Francis Drake, and is guilty of open contempt of the master, president, and government; copy of the fellows' oath in the statutes of St. John's College 519

Dr. Whitaker to Lord Burghley, stating the grounds of Mr. Digby's deprivation; exculpating himself from having acted from any malice; and requesting the chancellor to examine his answers to the objections raised by Mr. Digby . . 521

Dr. Perne to Lord Burghley, on the patronage of Fulbourn; on the excess and disorder of apparel in both the Universities; and requesting him to enforce the regulations, by which the wearing of hats is forbidden, and by which fines are to be exacted for the use of velvet, silk, &c. 523

The heads to Lord Burghley, requesting that he will interfere in behalf of the University printer against the monopoly

PAGE

of the printers and stationers of London, who claimed for themselves the exclusive right of printing *all dictionaries whatsoever* 525

Lord Burghley to the University, ordering that the statutes for the special apparel of all degrees of scholars be duly kept; forbidding hats to be worn; commanding scholars and graduates to wear caps and gowns and hoods, and doctors of divinity and masters of colleges to wear a scarlet tippet, or one of velvet, which is also to be worn when they resort to the court, or to the city of London; forbidding any scholar or fellow, while he retains his living, to wear any garment of velvet, satin, or silk; forbidding long hair; and ordering a fine of 6*s.* 8*d.* to be paid in case of offences against any of these orders 527

The heads to Lord Burghley, on some disputes relating to musters; and on the demand that some of the University servants should be required to give in their names for military service (*in militiam*) 530

Dr. Whitaker to Lord Burghley, sending an apology for not having waited on the chancellor; assigning reasons for refusing to hear Mr. Digby, and denying that he had been influenced by malice; with his answer to the objections . 532

The Bishop of Lincoln to Lord Burghley, in behalf of the University printer 534

Case of Mr. Hickman, of Corpus Christi College . . 534

Dr. Copcot, master of C. C. C. to Lord Burghley, defending his own conduct, and requesting that he may be supported . 534

Mr. Hickman to Lord Burghley, stating the case between himself and Dr. Copcot, viz. whether a chapter of eight fellows could by the consent of five, revoke a judgment previously agreed upon by seven at a chapter of nine fellows . . 536

The second sentence pronounced to be of no force; a majority of the *whole* body of fellows required before a fellow can be expelled 536

Answer to the pretence of the master's oath and exemption . 537

The chancellor has, *ex officio*, the privilege of granting a restitution 538

A second hearing of the case deprecated 538

Mr. Hickman's answer to Dr. Copcot 539

An act of parliament (1589), against abuses in the election of scholars, and in the presentations to livings.

The fittest and most meet persons to be selected. All elections, presentations, &c. to be void, where any money or gratuity has been paid for the same. Every person taking, or agree-

PAGE

ing to take, any sum or sums of money, for any benefice or living, to forfeit double the sum or sums of money; and every one paying such sum or sums, to be incapable of holding the place for that time. At every election, presentation, &c. the statutes relating to the same to be publicly read; in default thereof, a forfeit of forty pounds to be paid, which may be sued for and recovered in any of her Majesty's courts. To prevent simony and corruption, if any person or persons bestow any benefice or living whatsoever, for any corrupt cause or consideration, the said benefice or living to be void. Any person or persons giving or taking such sums of money, to forfeit the double value of one year's profit; and any person using these practices to secure any benefice or living, to be adjudged disabled in law to have and enjoy the same. If the incumbent of any benefice corruptly resigns or exchanges the same, for any sum of money or benefit, the giver and taker of such sum or benefit to lose double the value of such sum; of which one moiety, as well as the double value of one year's profit, to go to the Queen, and one moiety to any one suing for the same in any of the courts of record. The act not retrospective. A forfeit of forty pounds to be paid by every one who ordains any minister, or gives a license to preach to any one, for money or reward; and a forfeit of ten pounds to be paid by every one so corruptly ordained, who is also to be incapable of holding any living or benefice for the next seven years; one moiety of these forfeitures to go to the Queen, the other to any one suing for the same in any of the courts of record . 541

Case of Bambrigge and Johnson, of Christ's College . 548

The heads to Lord Burghley, complaining of Bambrigge and Johnson, who were proceeded against for certain sermons preached in St. Mary's Church, and who, in consequence of certain letters from Lord Burghley, refused to be sworn at their examination 548

From the same to the same, justifying their conduct towards Bambrigge and Johnson 549

From the same to the same, stating their reasons for not allowing Mr. Bambrigge, who had made a plea of sickness, to leave prison, and referring to the permission given to him and Mr. Johnson to take exercise in the common fields . 552

Bambrigge and Johnson to Lord Burghley, complaining of their imprisonment for refusing the oath; stating the inconveniences and evil consequences of their continuing in prison; and requesting his interposition 553

PAGE

Answers of Bambrigge and Johnson to the informations; their reasons for refusing to take the oath; committal to prison; bail refused; precedents; feeling of the University; sickness of Mr. Bambrigge; discourtesy of the vice-chancellor. . 555

The heads to Lord Burghley, containing their opinion on Mr. Hickman's case; Dr. Copcot affirms that he acts according to the statutes; objections raised by Mr. Hickman; all personal causes, where a scholar is a party, to be heard and decided in the University 558

Lord Burghley to the heads, advising that two of the heads be chosen to hear Mr. Hickman's case 560

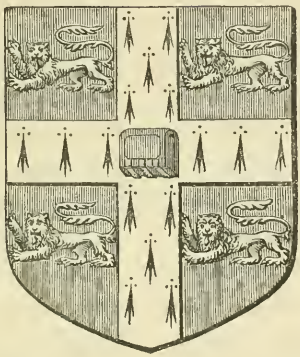
Case of Francis Johnson, of Christ's College . . . 561

Mr. Johnson to Lord Burghley, craving his assistance; his own appeal to the University rejected; ordered to leave the University; his refusal; his committal to prison; his condition there; his appeal to Lord Burghley 561

The masters of arts to the same, complaining of the sentence of the vice-chancellor, and of his refusing an appeal; and requesting his lordship to interfere in behalf of Mr. Johnson, whom they consider to be unjustly persecuted . . . 564

Mr. Branthwaite to Sir Michael Hickes, requesting him to introduce to Lord Burghley as soon as possible those who were sent from the University to represent the grievances of Mr. Johnson 569

UNIVERSITY OF CAMBRIDGE.



THE STATUTES OF THE REV. DR. WHITGIFT,

MASTER OF TRINITY COLLEGE, CAMBRIDGE, AND OTHERS,

GIVEN TO THE UNIVERSITY OF CAMBRIDGE A.D. 1570 BY THE AUTHORITY OF QUEEN ELIZABETH.

STATUTA REGINÆ ELIZABETHÆ, AN. XII^mo^ EDITA.

ELIZABETHA Dei gratia Angliæ, Franciæ, et Hiberniæ Regina, Fidei Defensor, &c., dilectis nobis cancellario, magistris, et scholaribus Universitatis Cantabrigiensis salutem. Quanta rerum vestrarum cura nos perpetuo sollicitat, dum utilitati academiæ vestræ studemus, non tam privilegia a nostra benignitate vobis concessa, quam legum et statutorum vestrorum nova quædam dispositio manifeste declarant: quorum altero injuriis obsistere, quieteque studiis vestris incumbere, altero concordiæ rectæque reipublicæ vestræ gubernationi consulere possitis. De illo abunde satis a nobis est prospectum: istud quidem licet

jamdiu a nobis inchoatum esse non ignoramus, ac leges interea exercendas vobis dederimus, usu tamen atque experientia, optima efficacique rerum magistra, edocti animadvertimus in illis aliqua esse correctione digna. Rursus crescente hominum audacia, nimiaque licentia, aliquas novas prioribus esse duximus adjiciendas. Negotia etiam quæ de novo emerserunt, novo indigere auxilio facile cernimus. Nunc vero cum ista omnia accurate, ut speramus, sunt absoluta et perfecta, ea a vobis omnibus, cum ea qua decet obedientia atque animi alacritate recipienda sunt. Leges igitur ac statuta hoc libello conscripta, atque summa nostra regia authoritate sancita, vobis in vestrum commodum mittimus ac promulgamus, diligenterque atque fideliter a vobis observanda proponimus: quod dum feceritis, illisque, ut oportet, ex animo parueritis, non solum a Deo opt. max. et a nobis laudem et præmium expectabitis, verum etiam una cum pietatis atque optimarum artium non modico incremento omnes gradus in academia in pulcherrimum ordinem adducetis, illiusque famæ ac dignitati optime prospicientes florentissimam efficietis. Ac tandem (quod apud nos non minimi est momenti) exemplo vestro, tanquam in omnium oculis et monte positi, reliquum populum nostrum ad consimilem legum nostrarum observationem, ac ad pacem, concordiam, veramque obedientiam, trahetis atque perducetis; digni regio favore, digni virtutis ac literarum præmio. Sed quoniam exhortatio liberam excitat voluntatem, mandatum necessitatem facit; nec omnes virtutis amore, sed plures pœnæ metu ad leges custodiendas coguntur: omnibus igitur quibus jurisdictio in hac parte competit, maximeque vobis, qui potestatem publicam academiæ exercetis, vel singulorum collegiorum gubernacula tenetis, mandamus, ut et vos ipsi statuta ista, quatenus ad vos pertineant, observetis, et a reliquis omnibus diligentiam in iisdem observandis exigatis, illorumque executioni totis viribus incumbatis. Si vero (quod absit)

favore, gratia, lenitate, vel incuria vestra ea contemni, negligi, vel non observari aliquando contigerit; vos, quibus illorum executio demandata est, quique aliorum gubernationem suscepistis, hujus transgressionis reos judicabimus, atque a vobis exactam illius rei rationem exposcemus. Dominus Jesus et voluntatem in vobis has leges custodiendi, bonasque literas pietatemque discendi, et facultatem easdem ad ipsius gloriam exercendi et exequendi, concedat. Datum apud manerium nostrum de Reding, 25° Septem^b. anno regni nostri 12°, et anno Christi 1570°. In cujus rei testimonium has literas nostras, manu nostra signatas, magno sigillo nostro Angliæ muniri fecimus, die et anno supradictis.

Leges sive statuta Cantabrigiensis academiæ.

Deum timeto, regem honorato, virtutem colito, disciplinis bonis operam dato. Sed qui reipublicæ vult leges et instituta proponere, non solum laboris, verum etiam et otii debet rationem habere: interest enim studiosorum hominum et literatorum nonnunquam laxatos habere animos, ut ad studia contentiores veniant. Et quanquam literarius labor re quidem vera sit suavissimum otium, tamen et otium suum habet negotium, et intermissionem propterea requirit. Itaque lectionibus et disputationibus publicis fines terminosque ponamus.

1. De terminorum assignatione.

Primus lectionum et disputationum dies erit a decimo die Octobris usque ad decimum sextum Decembris, secundus terminus erit a tertio decimo die Januarii ad decimum ante Pascha diem. Undecimo post Pascha redintegrabuntur disputationes et lectiones publicæ usque ad diem Veneris comitia sequentem. Terminus vacationis erit a die supradicto usque ad decimum Octobris: in quo propter intemperiem cœli, et pestis atque contagionis pericula, nec

publicæ lectiones (præter regias) nec disputationes sint in academiæ scholis, quæ momentum aliquod ad gradus adipiscendos adferant. Licebit tamen cuivis eo tempore suæ exercitationis causa publice quidvis prælegere, aut etiam disputationem ibidem instituere, venia tamen prius a cancellario data.

II. De baccalaureorum inauguratione et magnis comitiis.

Solennis et annua sit professio baccalaureorum die Mercurii primam Dominicam Quadragesimæ præcedenti, et prorogetur ad diem Jovis post quartam Dominicam ejusdem, quo tempore omnes quæstionistæ antiquum et solitum examen subibunt. Et magna comitia, cooptatio atque inauguratio cæterorum ordinum primo Martis Julii: quo tempore, si pestis obfuerit, aut alia gravior causa fuerit, quo minus solennes ritus possint peragi, in primum diem Martis Octobris, vel alium quemcunque diem, differantur, judicio cancellarii præscribendum.

III. De lectoribus publicis.

Qui prælegerit theologiam, jus civile, medicinam, aut mathematicam, quaternis diebus in hebdomada ad minimum legat, nempe, Lunæ, Martis, Mercurii, et Jovis. Quod si festus dies intercurrat, in alio die supplebit, ut omnino quatuor dierum lectio præcise observetur. Linguarum professores, philosophiæ, dialecticæ, et rhetoricæ eandem in legendo formam observabunt: quod ni fecerint, regii professores decem solidis pro qualibet lectione, quam omiserint, mulctentur. Et mulctæ quidem lectorum theologiæ, Hebraicæ et Græcæ linguæ, secundum præscriptum statuti Collegii Trinitatis in usum dicti collegii reddantur. Mulctæ duorum, juris civilis et medicinæ, per vicecancellarium exigantur. Reliqui autem quatuor ordinarii et publici lectores pro qualibet lectione, quam omiserint, solvent tres solidos et quatuor denarios. Et si quispiam præ-

dictorum lectorum dies illos quatuor interpolatos sumere malit, quam continuos, sub finem præcedentis lectionis auditores suos intermissionis hujusmodi commonefaciat, sub pœna prædicta.

IV. De temporibus lectionum et libris prælegendis.

Tempora lectionum publicarum referuntur ad judicium vicecancellarii, qui pro tempore fuerit, et magistrorum collegiorum. Theologicus prælector tantum sacras literas doceat atque profiteatur. Jurisconsultus Pandectas, Codicem, vel ecclesiastici regni nostri jura, quæ nos edituri sumus, et non alia, prælegat. Philosophicus lector Aristotelis Problemata, Moralia, Politica, Plinium, vel Platonem, publice doceat. Medicinæ lector, Hippocratem vel Galenum. Mathematicus professor, si cosmographiam doceat, Melam, Plinium, Strabonem, aut Platonem, enarret; si arithmeticam, Tonstallum aut Cardanum, &c.; si geometriam, Euclidem; si astronomiam, Ptolomæum. Dialectices professor, Aristotelis Elenchos, aut Topica Ciceronis. Prælector rhetorices, Quintilianum, Hermogenem, aut aliquem alium librum Oratoriarum Ciceronis. Quos omnes libros vulgari lingua pro captu et intelligentia auditorum explicabit. Interpretabiturque Græcæ linguæ professor Homerum, Isocratem, Demosthenem, Euripidem, aut alium ex antiquioribus, et artem una cum proprietate linguæ docebit. Lector Hebraicus non nisi ex fontibus Sacræ Scripturæ præleget, simulque grammaticam Hebraicam et linguæ proprietatem docebit. Omnes unius atque ejusdem scientiæ lectiones una atque eadem hora legant atque concurrant.

V. De publicarum lectionum auditoribus.

Nullus scholaris quocunque gradu et nomine censeatur, sive collegiorum stipendiis sustentetur, sive suis sumptibus alatur, ullam publicam lectionem, ejus professionis cui des-

tinatus est, omittat: sed a principio usque ad finem quiete et attente eam audiat: nullaque ejus excusatio admittatur, nisi infirmitatis, vel alterius urgentissimæ necessitatis, prius vel post intra triduum per absentem a lectione ultro alleganda et per procancellarium vel procuratores approbanda. Qui huic ordinationi non paruerit, pro prima vice pretium commeatus unius diei, pro secunda, trium, pro tertia, unius hebdomadæ, pro quarta, duarum hebdomadarum persolvat. Quod si alicujus negligentia et contumacia longius processerit, pro arbitrio domini procancellarii puniatur. Magister, præses, aut præpositus cujusque collegii hanc mulctam ad denuntiationem et petitionem cancellarii, ab eo qui peccaverit exigito, et persolvito, dividendam æqualiter inter academiam, procuratores, et præcones. Atque quo certius constet qui cuique lectioni interesse teneantur, volumus, ut primarii lectores omnium collegiorum, ab aliquo præconum triduo ante initium cujusque termini admoniti, scedulam, nomina singulorum sociorum, discipulorum, pensionariorum, sisatorum, subsisatorum in suis collegiis commorantium continentem, et quas lectiones quilibet audire et frequentare debeat, intra tres dies procuratoribus vel eorum alteri exhibeant. Quod si illi admoniti non fecerint, sive bedelli per vices neglexerint, qui delinquit, sex solidorum et octo denariorum mulctam incurrat. Quinetiam ne quispiam in fraudem prædicti statuti et ordinationis delinquens impune latere possit, statuimus ut decani cujusque collegii, aut si nullus sit ibi decanus, tunc primarii lectores, monitores singulis septimanis pro qualibet dictorum auditorum classe (artium magistros, legum, musicæ, et medicinæ baccalaureos, et superiores gradus excipimus) constituant. Qui iidem monitores, nisi singulis diebus, quibus professores legere contigerit, statim finita lectione schedulam absentium, sero venientium, vel exeuntium, alteri bedellorum in scholis tradiderint, pro qualibet vice duodecim denariis mulctentur. Porro ut magistri artium, legum baccalaurei,

et qui sunt superioris gradus, suas etiam lectiones diligenter frequentent, collegiorum præpositi aut eorum locum tenentes sedulo providebunt.

VI. De ratione studiorum, et quibus modis ad altiores gradus dignitatis juvenes promoventur.

Primus annus rhetoricam docebit, secundus et tertius dialecticam, quartus adjungat philosophiam, et artium istarum domi forisque pro ratione temporis quisque sit auditor: in hoc quadriennio bis quisque disputato in publicis scholis, bis respondeto in suo grege. Quæ si perfecerit, et post consuetum examen dignus videatur, post completum quadriennium, et non antea, baccalaureus esto. Ita tamen quod prius respondeat quæstioni, et stet in Quadragesima more consueto usque ad postremum actum, et super his cautionem realem exponat.

VII. De baccalaureis artium.

Hi auditores assidui philosophicæ lectionis, astronomiæ, perspectivæ, et Græcæ linguæ sint: idque quod inchoatum antea erat, sua industria perficiant. Intererunt cunctis magistrorum artium disputationibus, aperto capite, nec abibunt inde nisi a procuratoribus petita venia. Baccalaureus quisque ter respondebit magistro objicienti; bis in sui gregis exercitatione respondebit; declamabitque semel. In his ubi justum trium annorum spatium versatus fuerit, et hæc illum perfecisse constiterit, postquam solenniter productus fuerit, cooptabitur in magistrorum ordinem. Jurabunt autem singuli magistri artium in comitiis suis de regentia sua per quinquennium retinenda; et cursu disputationum toto hoc tempore servando; post quod tempus non-regentes erunt. Regentes autem in artibus, qui ante hæc statuta inaugurati sunt, regentiam suam retinebunt ad quinquennium a tempore inaugurationis suæ numerandum,

et non ultra: et si quinquennium illud jam elapsum sit, statim non-regentes erunt.

VIII. De magistris artium.

Magister artium sedulus erit theologiæ atque Hebraicæ lectionis quotidianus auditor: quibus rebus annorum septem dabit operam: quo spatio bis disputabit contra theologiæ baccalaureum: semel post quartum annum respondebit in theologia: concionabitur Latine semel et semel Anglice in academiæ templo, et semel ad Crucem Divi Pauli infra annum post gradum baccalaureatus susceptum. Et, si hoc tempore in theologia profecerit, post completum septennium, et non antea, per solennem inaugurationem baccalaureus fiat.

IX. De illis qui ad academiam XXIV annos nati accedunt.

Qui ad academiam viginti quatuor annos nati accedunt, et se studio theologiæ totos tradunt, si omnes hujusmodi exercitationes coluerint, quæ ad magistros artium ad theologiam conversos spectant, post decennium, ad gradum baccalaureatus theologiæ accedere poterunt, sine ullo in artibus gradu suscepto: ita tamen, ut officiariis pro inferioribus gradibus, more ab academia recepto, satisfaciant.

X. De baccalaureis theologiæ.

Theologiæ baccalaureus theologicam lectionem audiat quotidie: in quæstionibus theologicis bis opponat; semel respondebit, idque doctori, si commode fieri poterit: Latine semel, Anglice semel, concionabitur in academiæ templo, et semel ad Crucem Divi Pauli, infra annum a gradu suscepto. Quinquennium post baccalaureatum susceptum in theologia progressus, poterit vocari in ordinem doctorum. Si quis, cupiens cooptari in ordinem baccalaureorum, aut doctorum theologiæ, non responderit, nec opposuerit secundum ordinem supra præscriptum in iisdem statutis, is

nihilominus poterit baccalaureus fieri, si semel doctori responderit; et publice unam concionem ad clerum, et alteram ad populum habuerit; et infra annum post gradum susceptum, unam ad Crucem Divi Pauli: et post baccalaureatum idem poterit esse doctor, si semel doctori responderit, et unam concionem ad clerum habuerit in academiæ templo ante ejus admissionem, et alteram ad Crucem Divi Pauli infra annum sequentem, modo quinquennium compleverit post gradum baccalaureatus.

XI. De doctoribus theologiæ.

Post tantum laboris susceptum, et tot pericula atque examina, nolumus plus laboris doctoribus imponere, quam ipsi volunt sua sponte suscipere; nisi quod semel infra annum suscepti gradus, quæstionem ipsi sibi proponent in publicis scholis, cujus ambigua et dubitationes dum in utramque partem enucleaverint, definient, determinabuntque, sub pœna quadraginta solidorum academiæ solvendorum.

XII. De legum studiosis.

Qui a primo in academiam adventu legibus operam dabit, primum annum integrum institutionum lectioni domi suæ impendat: deinde quinquennium totum publicum juris professorem audiat: respondebit publice semel professori, aut alicui doctori ejusdem facultatis, antequam fiat baccalaureus juris. Qui fuit ante baccalaureus artium, quatuor annorum studio juris poterit esse baccalaureus, si ordine præscripto responderit.

XIII. De legum baccalaureis.

Hic etiam regium in jure professorem audiat quinquennium: respondebit hoc tempore bis in suis scholis; opponet semel, et cooptabitur doctor. Magister artium septennium dans operam legibus, et cæteris perfunctis, quæ hic requiruntur, poterit cooptari inter legum doctores.

XIV. De legum doctoribus.

Doctor legum mox a doctoratu dabit operam legibus Angliæ, ut non sit imperitus earum legum quas habet sua patria; et differentias exteri patriique juris noscat.

XV. De studiosis medicinæ.

Medicinæ studiosus sex annos rem medicam discet, ejus lectionis auditor assiduus; anatomias duas videat; bis respondeat, semel opponat, antequam baccalaureus fiat.

XVI. De studiosis chirurgiæ.

Chirurgiæ studiosus duas anatomias faciat, tres ad minimum curationes se fecisse probet, antequam admittatur ad praxin chirurgiæ.

XVII. De baccalaureis medicinæ.

Baccalaureus medicinæ respondebit bis, semelque opponet, anatomias tres, aut ad minimum duas videbit: et tunc post quinquennium a gradu baccalaureatus suscepto, admitti poterit ad doctoratum in medicina.

XVIII. De doctoribus medicinæ.

Post solennem disputationem et inaugurationem suam medicari licite poterit in omni medicandi genere. Magister artium septennium rei medicæ dans operam, postquam bis doctori in eadem facultate responderit, semelque opposuerit publice, poterit fieri doctor medicinæ.

XIX. De modis approbandi eos qui gradum magisterii in artibus suscepturi sunt.

Omnis cooptandus in ordinem magistrorum artium sive alicujus collegii, sive propriis sumptibus alatur, primum approbetur a præposito et majori parte sociorum collegii cujus est, vel a præposito et majori parte seniorum, juxta singulorum collegiorum statuta et consuetudines. Et col-

legii nomine, ab uno ex eodem collegio, aut ordinario lectore facultatis, sistetur in congregatione coram cancellario; tunc coram exponatur et de libro statutorum clare legatur, quid leges academiæ requirant ab eo, qui in illum ordinem quem petit cooptari debet: quæ si perfecerit, et visitaverit doctores et magistros regentes, aut debitam industriam ut eos visitaret præstiterit, modo majorem partem præsentium regentium de scientia et credulitate habuerit, secundum morem scholarium in scrutinio admittatur: nisi quisquam sponsionem facere velit, et infra octo dies probet eum propter imperitiam indignum, aut vitiosos mores infamem, aut non perfecisse quæ leges requirunt. In dicto autem scrutinio stabunt procancellarius et procuratores.

XX. De ceremoniis in gradibus conferendis.

Ceremoniæ in gradibus conferendis eædem sint, quæ antea fuerant, secundum antiquum academiæ morem. Qui in aliqua congregatione procancellario aliquem pro aliquo gradu suscipiendo repræsentat, consueta verborum forma utatur. Procancellarius baccalaureum theologiæ admittens, his verbis utatur, "Admittimus te ad enarrandum omnes apostolicas epistolas, in nomine Patris," &c. Doctorem autem admittens, ita dicet, "Admittimus te ad interpretandum et profitendum universam Sacram Scripturam, tam Veteris quam Novi Testamenti. In nomine Patris," &c.

XXI. De gratiis concedendis.

Nulla gratia pro gradu aliquo suscipiendo extra terminum omnino vel petatur vel concedatur: nec etiam infra terminum, nisi subsequentibus modo et forma: viz. ut primum approbetur a præposito et majori parte sociorum collegii sui, vel a præposito et majori parte seniorum; et a magistro, seu illius vicem gerente, vel a lectore publico ejus collegii, subscribatur: nec plures proponant terminos

in quibus studuerint in academia, oppositiones, responsiones, aut alia scholastica exercitia, quam rei fert veritas; aliter, ipsa gratia nulla sit. Et qui falsæ petitioni subscripserit, voce sua in senatu per biennium sit ipso facto privatus, et inhabilis etiam ad aliquod officium et munus gerendum infra academiam per idem tempus. Deinde in plena congregatione regentium et non-regentium senior procurator illas gratias publice recitabit, quæ a cancellario et reliquis pro capite illius anni designatis seu in illorum loco surrogatis approbatæ fuerint: et sequenti congregatione, vel concursu ejusdem congregationis continuatæ, illæ ipsæ gratiæ in domo non-regentium primum a seniore scrutatore iterum publice legentur: ac statim duo scrutatores cum seniore non-regente tunc præsente in scrutinio stabunt, ac vota aliorum per hoc verbum "*placet*" vel "*non placet*," et non aliter, accipient, et ea scriptis mandabunt, præcone primum "*ad scrutinium*" proclamante; quod similiter secundo et tertio, modico interjecto intervallo, faciet. Et si post trinam illam monitionem a voce danda cessatum fuerit, senior scrutator, collatis prius suffragiis, publice pronuntiabit pro majori parte suffragantium "*placet iis*" vel "*non placet iis.*" Quam formam observabunt etiam in domo regentium, senior procurator in legendo et pronuntiando, procancellarius et duo procuratores in suffragiis accipiendis, et præco ad scrutinium vocando, et reliqui regentes in vocibus suis dandis. Ea vero observatione omissa, inanes et irritæ sint gratiæ. Hinc autem excipimus gradum baccalaureatus artium, qui antiquum modum petendi retinebit. Decernimus ut nulla gratia, quæ proponetur in scholis, dispensationem habeat quamcunque; et si secus fiat, gratiam illam irritam et inanem esse volumus. Nec ulli concedatur gratia, ut ejus admissio stet ei pro completis gradu et forma, sub pœna perjurii procancellarii, et eorum qui fuerint in capite; nisi sint regiæ majestati a secretis, aut episcopi, aut nobiles, aut nobilium filii.

XXII. De disputationibus sophistarum.

Ordo disputationum hic est. Inter sophistas veterrimus se responsorem exhibebit, et ordine sequentur alii juniores ad finem illius anni. Primus dies termini erit decimus Octobris: non respondebit, nisi qui secundum annum expleverit. Tres principes quæstiones proponat, unam in mathematicis, alteram in dialecticis, tertiam in philosophicis naturalibus aut moralibus; quas triduo ante affiget valvis scholæ suæ. Cæteri contra disputanto. Ubi responsor hæsitaverit, moderator alter si possit nodum dissolvito. Tempora earum disputationum erunt diebus Lunæ, Martis, Mercurii, Jovis, et Veneris, a prima post meridiem ad tertiam. Scholæ moderator per singulas disputationes tres suo arbitrio permittat, vetustatis ordine, argumenta respondenti proponere præter principalem disputatorem.

XXIII. De baccalaureorum disputationibus.

Baccalaureorum disputationes fient die Veneris a nona ad undecimam, si nulla tunc magistrorum disputatio sit; tunc enim fient ab hora prima ejusdem diei usque ad tertiam. Respondebit non nisi baccalaureus secundi anni. Incipiat veterrimus, et ordine reliqui sequentur. Contra disputabit unus suo ordine, cui scholæ moderator adjunget quatuor aut plures pro suo arbitrio in singulis disputationibus, qui argumenta respondenti objiciant. Qui cursum suum in respondendo omiserit, decem solidis mulctetur; qui vero in opponendo cursum omiserit, tribus solidis et quatuor denariis.

XXIV. De declamationibus baccalaureorum.

Baccalaureorum declamationes erunt diebus Sabbati, ab hora octava ad nonam ante meridiem. Prima vero hebdomada duo ordine baccalaurei unum thema tractabunt, cujus contrariam partem duo alii defendent hebdomada

sequenti, sub pœna quinque solidorum, si quis cursum suum omiserit.

XXV. De magistrorum artium disputationibus.

Magistrorum artium disputationes erunt singulis diebus Lunæ, Martis, Mercurii, Jovis, singulis septimanis in termino, nisi aliquis festus dies intervenerit. Durabunt autem ab hora nona ante meridiem ad undecimam. Et singuli magistri artium ad eas cogentur, quoad quartum post inaugurationem suam annum expleverint: post quod tempus inter theologos, jurisconsultos, aut medicos disputabunt. Inhibemus ne duo magistri eodem tempore disputent, aut duo baccalaurei respondeant, nisi alter eorum variaverit. Magistri artium primi anni, quemadmodum in antiquis statutis præcipitur, sic etiam nunc, bis disputabunt, priusquam ad aliorum cursum ventum sit.

XXVI. De theologorum disputationibus.

Quolibet secundo die Jovis cujuslibet termini fiat disputatio in theologia: in qua disputatione duæ theses theologiæ per dominum procancellarium, regium in theologia professorem, ac unum doctorem, vel baccalaureum theologiæ seniorem in Universitate præsentem, approbandæ, tractabuntur ab hora prima post meridiem ad horam quartam ejusdem diei. Respondebit baccalaureus in theologia maxime senior; et sic deinceps cæteri ejusdem ordinis secundum senioritatem suam, et post eos omnes magistri artium postquam quartum annum a gradu magisterii suscepto compleverint (qui medicinæ aut juri civili per statuta collegiorum non destinantur, aut tenentur ad disputationem juris civilis aut medicinæ), sive sint socii collegiorum, sive pensionarii secundum senioritatem suam in academia. Si quis cursum suum intermiserit, mulctabitur viginti solidis toties quoties: ita tamen, ut nihilominus idem cursum suum intermittens, ad proximam teneatur disputationem

theologicam, donec in propria persona eandem præstiterit sub pœna consimili. Opponentes erunt tres secundum cursum et ordinem collegiorum præscriptum in his statutis. Stet mulcta ibidem præscripta, omni excusatione seposita. Si quis tamen pro gradu suo velit respondere, aut alio die respondeat, aut vicem commutet cum eo qui responderet: ita ut proximo die Jovis disputabili, is qui prius respondisset locum et cursum occupet. Bedellis vero solitam pro singulis disputationibus collectam reservavimus, ab aliis oneribus respondentes absolvimus; nisi pro gradu respondeant; quo tempore eosdem ad ordinem et statuta collegiorum in quibus degunt referrimus. Quod si quisquam propter aliquam causam rationabilem per cancellarium, regium professorem in theologia, et magistrum ac majorem partem sociorum collegii sui, approbandam, mutaverit cursum suum, idem tamen arctetur ad cursum suum servandum in propria sua persona, cessante hujusmodi causa similiter approbanda, eodem termino aut proximo sub pœna prædicta. Quod si festus dies intercesserit, proximo die Jovis disputabili eadem disputatio compleatur. Ad extremum statuimus, quod hæc disputatio progredietur ac descendet hoc ordine, de termino in terminum et de anno in annum, donec omnes qui hoc statuto astringuntur respondeant; tunc vero iterum disputatio incipiat a senioribus, ut supra institutum est, et sic progrediatur de tempore in tempus.

XXVII. De ordine quo singula collegia opponentes et disputatores suppeditabunt.

Primo, Collegium Regium, unum. Deinde, Collegium Trinitatis, unum. Post, Collegium Divi Johannis, unum. Post, Collegium Christi, Petri, et Magdalenæ, unum. Post, Collegium Regineum, Pembrochiæ, et Catherinæ, unum. Postremo, Collegium Jesu, Gunvilli et Caii, Corporis Christi, et Claræ, unum. Altero die Collegium Trinitatis

inchoabit, et ita circulo, quoad quodque collegium primum sit et postremum. Singulis vero disputationibus, tres ab his collegiis, aut collegiorum copulationibus, replicatores et disputatores adsint. Magistri artium replicabunt eo ordine quo fuerint inaugurati in academia. Si quis neglexerit, mulctetur sex solidis, eorum duobus procuratoribus, duobus respondenti, et totidem præconibus numerandis.

XXVIII. De jurisconsultorum disputationibus.

Juris civilis disputatio fiat sexto die Jovis in unoquoque termino, aut alio ad assignationem cancellarii. Disputabit regius prælector, aut doctor aliquis ejus facultatis. Respondebit qui pro forma locum petit, aut ejus defectu aliquis eorum qui juri civili dant operam, secundum ordinem senioritatis suæ. Quod si quis neglexerit, mulctabitur viginti solidis. Auditores vero duo regii professoris in eadem facultate juxta senioritatem suam opponent, ubi videbitur prælectori aut doctori disputanti sub pœna sex solidorum, quoties quis deliquerit. Atque ut certius in posterum de senioritate constet, quilibet legum baccalaureus omnibus artium magistris, qui anno sequenti in eum ordinem cooptantur, quoad disputandi ordinem, senior, magistris autem artium ejusdem vel superioris anni junior, censeatur. Legum autem baccalaurei, ne senioritatis inter se ignoratione disputandi cursum impediant, senioritatem pro ordine admissionis habeant. Responsores et disputatores sumentur ex Aula Trinitatis, et ex aliis collegiis de numero illorum qui privilegiis studii juris civilis uti volunt, modo doctores non sunt, sub pœna ejusdem, quæ prædicitur, mulctæ. Hi duas ad minimum horas in disputatione permanebunt. Hæ disputationes, ut rite, ordine, et perpetuo fiant, Aula Trinitatis providebit, et collegia eo ordine quem ante posuimus. Et si desiderabuntur responsor aut disputatores, eadem mulcta imponetur delinquentibus, quam ante nominavimus.

XXIX. De medicorum disputationibus.

Medicina disputationem habebit nono die Jovis in quoque termino, aut alio ad voluntatem procancellarii: disputabit prælector regius, aut aliquis doctor. Respondebit qui pro forma locum petit, aut, ejus defectu, aliquis eorum qui medicinæ dant operam, secundum ordinem senioritatis suæ, sub pœna viginti solidorum quoties deliquerit. Et auditores duo regii professoris in eadem facultate opponent juxta senioritatem suam sub pœna sex solidorum.

XXX. De facultatum omnium disputationibus.

Duæ theses vel conclusiones omnium harum disputationum octo dies ante diem destinatum disputationi scholarum publicarum valvis et cathedræ disputantis a respondente affigantur; et eodem tempore ad professores earundem scientiarum atque ad procuratores et præcones per respondentem adducantur, sub mulcta duorum solidorum eidem infligenda: die vero sequenti præcones easdem quæstiones adducent ad eos, qui sunt disputaturi, sub eadem mulcta.

XXXI. De determinatoribus singularum disputationum.

Regius in theologia professor, et singularum artium atque facultatum prælectores, singulis ejusdem artis disputationibus intererunt, præter prælectorem philosophiæ, quem baccalaureorum disputationibus tantum præesse volumus. De argumentis judicabunt; et si quæ difficilia sunt, vel male ab aliis dissoluta, ipsi dissolvent, atque ad extremum, quid ipsis de singulis propositis disputationibus videatur, determinabunt ac definient.

XXXII. De disputationibus in vesperiis et die comitiorum.

Disputatio theologica in vesperiis comitiorum erit sub hora octava antemeridiana ad undecimam; in die comi-

tiorum ab hora octava ad undecimam; philosophica vero, in vesperiis ab hora prima usque ad tertiam; in die comitiorum ab hora undecima usque ad secundam. Disputatio in jure civili erit in vesperiis ab hora tertia usque ad quartam; in die comitiorum ab hora secunda usque ad tertiam. Disputatio in medicina in vesperiis erit ab hora quarta usque ad quintam; in die comitiorum ab hora tertia ad quartam. Si vero nulla sit in vesperiis disputatio theologica, tum disputatio philosophica eodem tempore erit; et disputatio in jure civili erit ab hora prima ad tertiam, et medicinæ disputatio a tertia ad quintam. Procancellarius erit moderator et determinator theologicæ disputationis in comitiis, si ita illi videbitur; sin minus, regius in theologia professor, aut alius doctor a procancellario assignandus. Baccalaurei theologiæ, juris civilis, et medicinæ ejus anni comitiis, quo hos gradus suscipiunt, vel unum ex seipsis communiter eligant, vel aliquem alium suo sumptu provideant, qui in die comitiorum sua in arte respondeat. In omnibus comitiis et disputationibus publicis academiæ, et privatis collegiorum, nulla neque oratio neque quæstionum explicatio de libro scripto legatur: hoc si quis privatim violaverit, domi a magistratibus suis justa pœna coerceatur: sin publice, quinque solidis mulctetur, singulis procuratoribus et præconibus academiæ singulis solidis tribuendis: proviso, quod hac lege theologi, jurisconsulti, ac medici non tenebuntur. Lector theologiæ, juris, medicinæ regius semper cathedram illius artis teneat, modo sit doctor in illa facultate. Regius in medicina lector unam anatomiam singulis annis faciet, si auditores hoc requirant, et anatomiæ impensas pervenire velint.

XXXIII. De electione cancellarii.

Cancellarii magistratus tam diuturnus esto, quam vetera statuta moresque academiæ permittebant: nimirum ad bi-

ennium integrum; aut tamdiu, quam tacito consensu academiæ cancellarius permittatur in eodem officio manere. Intra quatuordecim dies post vacationem hujus muneris certo cognitam a regentibus et non-regentibus, ad hunc modum novus cancellarius eligatur. Præcones aut viatores academiæ, procancellarii jussu, congregationem regentium et non-regentium in horam nonam subsequentis diei vocabunt. Tum autem procancellarius et procuratores, assumpto juniore doctore theologiæ qui tum in academia fuerit, vel si nullus theologiæ doctor præsens in academia fuerit, adhibito juniore doctore juris civilis aut medicinæ, stabunt in scrutinio, suisque suffragiis prius in scripto latis cæterorum præsentium suffragia scripta accipiant. Hæc omnia senior procurator accepta palam ac sigillatim leget, et ille per procancellarium cancellarius electus renuntiabitur, cui plurimi suffragati fuerint. Confestim autem post electionem instrumentum electionis ejus factum, sigillo communi obsignabitur, et quam maturrime fieri poterit illi tradetur.

XXXIV. De electione procancellarii.

Tertio Novembris, hora videlicet octava ante meridiem, munus procancellariatus quotannis de jure vacabit, ac hora nona proxime sequenti in domo regentium convenient omnes collegiorum præpositi; ac statim senior gradu primum, deinde singuli, ordine suo, unum aliquem ad id officium nominabunt, e quorum numero dicti præpositi duos punctis suis notabunt, quorum alter, et non alius, eligatur in procancellarium. Si vero de majori numero præpositorum (non habita ratione numeri totius sed plurium) in signandis duobus, vel eorum altero, in tribus scrutiniis constare non possit, tunc ille ex his, qui paria habeant suffragia, nominetur, in quem regius in theologia professor consenserit; et illos duos sic designatos, eodem die is qui

gradu præest seniori procuratori publicandos regentibus et non-regentibus ante electionem significabit. Quos si senior procurator sic publicare recusaverit, illum officio procuratoris ipso facto privatum declaramus. Electio autem novi procancellarii non ante viginti quatuor horas post vacationem, et omnino ante horam quintam postmeridianam quinti diei ejusdem mensis fiat ad hanc formam. Munere procancellarii vacante, præcones, jussu procuratorum, congregationem regentium et non-regentium in horam nonam aut primam quarti diei ejusdem mensis Novembris vocabunt: alioqui ipsi præcones in horam nonam aut primam illius quinti diei id sua authoritate faciant. Tunc procuratores, assumptis duobus senioribus doctoribus in academia præsentibus, aut horum vice, si nulli in academia fuerint, duobus senioribus in theologia baccalaureis, in scrutinio stabunt, et conscripta sua ipsorum suffragia primi ferent, ac deinceps omnium aliorum regentium et non-regentium suffragia scripta accipient: hæc senior procurator aperte et separatim leget, et ille, ex duobus quos præfecti collegiorum nominaverint, et non alius, procancellarius erit, quem major pars regentium et non-regentium suffragiis suis elegerit. Si vero hoc officium procancellariatus infra annum vacaverit, quam proxime ad formam suprascriptam, infra triduum vacationis cognitæ, novus eligetur.

XXXV. De electione procuratorum.

Volumus ut collegia singulis annis procuratores futuri anni ex non-regentibus vel regentibus tertii ad minimum suæ regentiæ anni nominent; et ut ordinem inceptum et infrascriptum inviolabiliter observent: atque cum ad calcem ordinis perventum fuerit, rursus a capite incipiant; et ita circulariter in nominandis procuratoribus juxta eundem ordinem perpetuo procedatur. Quos sic nominatos, ante primum Augusti præfecti illorum collegiorum, vel alii il-

lorum nomine, procancellario præsentabunt, eosdemque, sic præsentatos et nominatos, regentes eligere omnino tenebuntur; nisi legitima causa sive exceptio contra eosdem ante primum Octobris coram procancellario allegata, et coram eodem et majori parte præpositorum collegiorum infra quatuor dies proximos probata et approbata fuerit. Electio autem procuratorum postridie Dionysii erit, quo tempore procuratores, taxatores, et scrutatores anni præteriti munere suo se abdicabunt; et confestim postquam illi ab hoc munere decesserint, sine ulla intermissione ad electionem novorum procedatur, ad hunc modum. Cancellarius, duobus magistris artium regentibus senioribus assumptis, in scrutinio stabit, et illi sua ipsorum scripta suffragia primi ferent; deinde omnium aliorum regentium scripta suffragia accipient; quæ senior magister artium aperte et separatim leget, illique procuratores erunt quos major pars præsentium suffragiis suis elegerit. Procuratores electi syngraphas cancellario dabunt de solvendo regio vectigali, reliquaque pecunia seneschallo et bedellis pendenda pro liberatione academiæ; et de omnibus illis rebus per seneschallum academiæ in scripta redigendis in pergameno, et procancellario tradendis, quæ in duobus letis academiæ quotannis præsentantur. Et cancellarius syngraphas non reddet, donec procuratores sufficientes acquitantias in publicam academiæ cistam intulerint.

Ordo secundum quem collegia quotannis procuratores nominabunt, inceptus A.D. 1557, quoad taxatores vero 1570.

1. Col. Regal. / Aul. Trin.	16. Coll. Christi. / Coll. Gon. et Caii.	31. Coll. Johan. / Coll. Jesu.
2. Coll. Trin. / Dom. Petri.	17. Coll. Regal. / Aul. Pemb.	32. Coll. Regin. / Aul. Cath.
3. Coll. Johan. / Coll. Christi.	18. Coll. Trin. / Aul. Cath.	33. Coll. Regal. / Dom. Petri.
4. Aul. Pemb. / Aul. Clar.	19. Coll. Johan. / Coll. Regin.	34. Coll. Trin. / Coll. Christi.
5. Coll. Regal. / Coll. Corp. Chris.	20. Coll. Christi. / Dom. Petri.	35. Coll. Johan. / Aul. Clar.
6. Coll. Trin. / Coll. Regin.	21. Coll. Regal. / Aul. Clar.	36. Aul. Pemb. / Coll. Gon. et Caii.
7. Coll. Johan. / Coll. Jesu.	22. Coll. Trin. / Coll. Corp. Chris.	37. Coll. Regal. / Coll. Corp. Chris.
8. Coll. Gon. et Caii. / Aul. Cath.	23. Coll. Johan. / Coll. Magd.	38. Coll. Trin. / Coll. Regin.
9. Coll. Regal. / Dom. Petri.	24. Aul. Pemb. / Coll. Jesu.	39. Coll. Johan. / Coll. Jesu.
10. Coll. Trin. / Coll. Christi.	25. Coll. Regal. / Coll. Regin.	40. Coll. Christi. / Dom. Petri.
11. Coll. Johan. / Aul. Pemb.	26. Col. Trin. / Coll. Gon. et Caii.	41. Coll. Regal. / Aul. Cath.
12. Coll. Regin. / Aul. Clar.	27. Coll. Johan. / Dom. Petri.	42. Coll. Trin. / Aul. Pemb.
13. Coll. Regal. / Coll. Corp. Chris.	28. Coll. Christi. / Aul. Clar.	43. Coll. Johan. / Aul. Clar.
14. Coll. Trin. / Coll. Jesu.	29. Coll. Regal. / Coll. Corp. Chris.	44. Coll. Regin. / Coll. Gon. et Caii.
15. Coll. Johan. / Dom. Petri.	30. Coll. Trin. / Aul. Pemb.	

Decernimus etiam quod quotiescunque officium procuratoris infra annum suscepti officii, per mortem, cessionem, resignationem, deprivationem, amotionem, seu alio modo quocunque vacare contigerit, Aula Trinitatis pro reliqua parte anni procuratorem nominabit et præsentabit, ad modum et formam suprascriptam, qua proxime fieri potest, eligendum, nisi justa causa, ut dictum est, impediat. Idem etiam observari volumus in omni hujusmodi vacatione taxatorum.

XXXVI. De electione scrutatorum.

Eodem die et tempore quo procuratores a regentibus eliguntur, duo non-regentes ad officium scrutatorum a non-regentibus eligentur ad hanc formam. Stabunt in scrutinio, jurati per cancellarium, duo seniores doctores non-regentes, aut eorum defectu duo baccalaurei in theologia, aut in eorum absentia duo seniores non-regentes, qui sua et aliorum omnium non-regentium vota et suffragia accipient, et senior electos per majorem partem præsentium aperte pronunciet: qui, jurati per cancellarium, scrutatorum officio per illum annum gaudebunt.

XXXVII. De electione ædilium sive taxatorum.

Volumus etiam, ut collegia bina annis singulis duos regentes vel non-regentes nominent taxatores futuri anni, eo ordine qui in nominandis procuratoribus præscriptus est, incipiendo hoc anno ab his collegiis, quæ in primo loco constituuntur, et eodem ordine et cursu progrediendo et recurrendo. Hos præfecti collegiorum seu alii eorum vice cancellario ante primum Septembris præsentabunt, quos regentes eligere omnino tenebuntur, et non alios, si nulla legitima causa vel exceptio impediat, ante primum Octobris cancellario alleganda, et infra quatuor dies proximos coram eodem et majori parte præfectorum collegiorum probanda et approbanda. Electio autem fiet ad formam

sequentem: postridie Dionysii, videlicet hora prima post meridiem, stabunt in scrutinio cancellarius et duo procuratores, et sua primum vota simul, sed diversis tamen scriptis, de utroque taxatore ferent. Deinde omnium similiter regentium scripta suffragia accipient, ea senior procurator aperte leget, et illi taxatores erunt, quos major pars præsentium elegerit.

XXXVIII. De præconum seu viatorum numero, officio, et electione.

Tres erunt præcones seu viatores armigeri, pari loco et munere, et unus inferioris loci bedellus. Illorum vero trium si quando munus vacaverit, cancellarius curabit congregationem regentium et non-regentium intra triduum in horam nonam subsequentis diei vocandam. Tum cancellarius et procuratores primo sua ipsorum suffragia scripta ferent, deinde cæterorum omnium præsentium scripta suffragia accipient; quibus palam et separatim per seniorem procuratorem lectis, ille præco renunciabitur, quem major pars suffragantium elegerit; quem cancellarius jurejurando astrictum ad hoc munus admittet. Pecuniam autem aliquam aut munus aliquod neque cancellarius, neque procuratores, nec quisquam alius regentium aut non-regentium, nec ante electionem nec post, pro suffragio suo vel requirat vel oblatam accipiat; sed eos ad hujusmodi munera sine ulla mercedis expectatione aut acceptione eligent. Et si quis contra fecerit, perpetuo infamis, jus suffragii amittat. Et quanquam volumus unumquemque præconem aut viatorem sic electum et admissum, ad omne tempus vitæ suæ in hoc officio permanere, nisi insignis aliqua culpa expulsionem et ejectionem requirat: quo diligentius tamen in officio versentur iidem præcones aut viatores, post festum Sancti Michaelis, prima illius termini congregatione, baculos suos cancellario tradant, qui cum procuratoribus secrete in quodam scrutinio a regentibus et non-regentibus quæret quemadmodum se gesserunt; num seduli ac diligentes ad-

ministri fuerint: qui si sedulo et honeste officium suum fecisse judicabuntur, cancellarius illis baculos reddet, et illorum integritatem ac diligentiam laudabit, et ad similem diligentiam et integritatem hortabitur: at si quid ab illis per negligentiam admissum fuisse quisquam magistrorum conquestus fuerit, aut si non fecisse officium suum a quoquam magistrorum artium conquestum fuerit cancellario, tum cancellarius eos admonebit sui muneris, aut aliter pro ratione culpæ castigabit atque corriget. Sin vero quocunque tempore quisquam illorum insigniter negligens adversus cancellarium, procancellarium, aut procuratores fuerit, et post alteram et tertiam admonitionem corrigere sese noluerit, vel aliquod detestabile flagitium perpetraverit, unde academia in magnam infamiam prolabatur, cancellarius, advocatis sibi procuratoribus, et ædium præfectis, cum assensu majoris partis eorum, eum præconem munere suo dejiciat: et tum novus præco ad formam præscriptam eligetur. Præcones armigeri tres æquale stipendium, æqualem mercedem accipient, ad æqualem diligentiam et laborem devincti. Stipendium his et merces proveniet, quemadmodum decreto nostro, quid quisque gradus singulis ministris solvat, constituitur. Horum trium et viatoris inferioris præterea officium erit, quotidie ac diligenter cancellario adesse, eique in omnibus quæ ad munus cancellariatus et ad illorum quoque officia spectabunt, inservire et diligenter providere, ne, quando referat illos adesse, absentes aut extra conspectum sint. Singulis singularum artium disputationibus duo aut unus ad minimum ex illis semper intersit, si disputator supra gradum baccalaurei sit, et disputatorem domo ad scholas deducat, iterumque a scholis domum reducat.

XXXIX. De electione custodum et auditorum communis cistæ sive ærarii publici.

Ab universo academiæ senatu quotannis duo non-re-

gentes continuo post electionem procuratorum eligentur, ut sint publici ærarii cum cancellario et duobus procuratoribus custodes. Hi quinque communis cistæ quinque diversas claves habeant. In qua sigillum academiæ, pecunia, vasa aurea et argentea, et ornamenta alia academiæ conservabuntur. Nihil sine academiæ consensu hoc sigillo obsignabitur; nec pecunia ulla, aut vasa aurea vel argentea, sine horum notitia et assensu inde extrahentur. In cujuslibet termini exitu, in communem cistam procuratores referent quicquid pecuniæ ad academiæ usum receptum, illorum in manibus est. Item, eodem tempore tres alii regentes aut non-regentes eligentur, qui cum procancellario procuratorum et aliorum ministrorum rationes audient, qui ad pecuniam academiæ vel accipiendam vel impendendam designati sunt. Quæ rationes omnes non modo initæ, sed etiam confectæ, erunt infra duodecim dies post novorum procuratorum electionem, sub pœna decem librarum academiæ persolvendarum ab eo qui fuit in causa cur inita aut perfecta ratio prius non fuit.

XL. De nominatione et electione lectorum et reliquorum officiariorum.

Nominationes et electiones lectorum, bedellorum, stationariorum, gageatorum, vinopolarum, et aliorum ministrorum seu officiariorum academiæ quorumcunque de quibus aliter a nobis non est provisum, sequentur modum et formam in electione procancellarii præscriptam; fientque intra quatuordecim dies post vacationem, nisi aliter statutis nostris aut fundatione cautum sit. Quæ aliter factæ fuerint, ipso jure nullæ sint et irritæ.

XLI. De capite in quavis congregatione per annum eligendo, et de ejus authoritate.

Ne caput negligere videamur, dum de reliquo corpore providemus, hac lege cautum sit, ut hora prima duodecimi

Octobris post meridiem conveniant in domo regentium cancellarius, collegiorum præfecti, doctores, procuratores, et scrutatores, ad eligendos illos, qui propter cognitionem, gravitatem, atque in rebus gerendis prudentiam et fidem, caput senatus merito appellari solent. Eo igitur tempore cancellarius unum theologum doctorem, unum jurisconsultum, medicum unum, unum non-regentem, et alterum regentem, nominatim scribet: uterque quoque procuratorum ex singulis illis ordinibus similiter unum alium nominabit: et ex his quindecim præfecti collegiorum, doctores, et scrutatores quinque, i. e. ex singulis ordinibus et facultatibus unum, punctis suis notabunt: et eos, in quos plures numero præsentium consentiunt, licet majorem partem non faciunt vel æquant (si ratio habeatur totius numeri), senior procurator in proximæ congregationis initio regentibus et non-regentibus significabit: eosdemque cum cancellario caput totius senatus futuri anni aperte et publice pronuntiabit. Et si de aliquo uno illorum quinque plures numero, ut supradictum est, in primo, secundo, et tertio scrutinio non convenerint, tunc ad cancellarium, et duos seniores doctores tum præsentes, aut eorum majorem partem, quorum cancellarius unus sit, electio pro illa vice pertinebit. Si autem quisquam istorum forte abfuerit ab aliqua congregatione, illius locum occupabit senior illius facultatis tum præsens; et si talis non reperiatur, tum alius in alia facultate senior præsens in senatu illius vicem eo tempore geret a cancellario evocatus. Horum autem authoritas est in omni senatu et congregatione de omnibus petitionibus prius decernere, quam ad reliquum senatum deferantur: ita ut illæ gratiæ solæ approbentur, et regentibus et non-regentibus proponantur, in quas singuli eorum consenserint, et non aliæ: et si quicquam in senatu petatur aut concedatur, quod non sit prius istorum judicio et assensu comprobatum, nullum erit omnino et invalidum, nisi his nostris statutis aliter cautum sit. Quicunque fuerit ad

magistratum in academia gerendum legitimis suffragiis ascitus, ille magistratum suscipere non recusabit aut tardabit; nisi justam excusationis causam attulerit, ab illis comprobandam, quorum suffragiis electus fuit. Illud autem omni diligentia et cautione observetur, ut in procuratoribus et taxatoribus, quemadmodum et in cæteris magistratibus eligendis et nominandis, omnes, quorum interest imprimis elaborent, ut quos ætate, eruditione, gravitate, et prudentia cæteros anteire judicent, eos, sive regentes sive non-regentes sint, ad munus academiæ suscipiendum eligant.

XLII. De cancellarii officio.

Cancellarius potestatem habebit ad omnes omnium scholasticorum, atque etiam eorum famulorum controversias summarie et sine ulla juris solennitate, præter illam quam nos præscribemus, secundum jus civile, et eorum privilegia et consuetudines, tum audiendas, tum dirimendas: ad congregationes graduatorum et scholasticorum convocandas; ad homines dignos gradibus scholasticis ornandos, qui omnia munia scholastica his contenta statutis expleverint; et ad indignos rejiciendos ab iisdem et repellendos; ad omnes illorum violatores puniendos; ad providendum præterea, ut singuli academiæ ministri in suo officio se contineant; ignavos, grassatores, rei suæ dissipatores, contumaces, nec obedientes, suspensione graduum, carcere, aut alio leviori supplicio judicio suo castigandos. Non licebit tamen cancellario aliquem scholarem exilio mulctare, aut aliquem pileatorum aut præfectorum collegiorum incarcerare, absque consensu majoris partis præfectorum collegiorum. Regentes omnes et non-regentes a principiis congregationum ad finem remanebunt, nisi impetrata a cancellario venia, licentiam discedendi habeant, sub pœna duodecim denariorum quoties peccaverint: singuli regentes etiam et non-regentes, qui in academia maxime

commorantur, et intra ambitum academiæ sunt, et vocati, ab aliqua congregatione aut concione ad clerum absunt, a cancellario duobus solidis mulctentur; cujus mulctæ dimidium inter cancellarium et procuratores æqualiter dividetur, dimidium autem academiæ assignetur. Quicquid statutis nostris academiæ cancellario faciendum attribuitur, in ejus absentia hoc idem a procancellario fiat. Eidem cancellario cum consensu totius academiæ licebit nova statuta ad eruditionis amplificationem, et decori atque honesti conservationem inter scholasticos habendam sancire; sic ut ea his decretis nostris nihil detrahant aut officiant.

XLIII. De officio procuratorum.

Procuratores academiæ publicis disputationibus jurisconsultorum, medicorum, et magistrorum artium intererunt, et convenientem et decorum ordinem conservandum curabunt; et quamdiu contra quisquam disputabit, præscribent: exordia longa, argumenta nugatoria, quæ magnum disputationibus afferunt detrimentum, præcident, et providebunt ut omnes qui præsto esse tenentur, adsint, nec sine legitima et approbata causa aut venia impetrata discedant; eosque qui contra faciunt, primo tempore quatuor denariis, secundo duodecim, tertio viginti denariis, quarto graviori pœna mulctabunt. Si gravior illi qui mulctatur mulcta esse videbitur, ad cancellarium provocatio fiet. Procuratorum etiam erit, providere ut singuli suas in respondendo vices atque ordinem conservent; eumque qui deliquerit violati ordinis reum ad cancellarium deferent. Cancellarius eum qui deliquerit, primo pecunia præfinita mulctabit; iterum delinquenti duplicabit mulctam; tertio vero si deliquerit, cancellarius illum gravius pro arbitrio suo coercebit. At vero si qui sic offenderit baccalaureus artium primi vel secundi anni, aut inferioris ordinis fuerit, primo quinque solidis, secundo decem solidis, tertio vero pro cancellarii arbitrio gravius coercebitur. Harum om-

nium mulctarum triens unus procuratoribus, alter præconibus, tertius ærario publico dividatur, quæ nisi statim persolvantur, violator ordinis pignoribus captis coerceatur, quæ ad eam summam perveniant; et post novendium ea distrahantur, nisi interea temporis pro mulcta satisfaciat. Unus ex procuratoribus semper disputationibus philosophicis magistrorum artium adsit, quarum moderator esse debet; si abfuerit, tribus solidis et quatuor denariis, quoties abfuerit, mulctabitur. Procuratores in matriculatione præsentes, et officium suum diligenter facientes, singulis matriculationum diebus tres solidos et quatuor denarios ex ea pecunia matriculatoria accipient.

XLIV. De oratore.

Orator academiæ, nisi impetrata a cancellario venia, non discedat, et idoneum aliquem ad id tempus vicarium substituat, neque illi hac venia licebit plus tribus mensibus toto anno abesse sub pœna muneris oratorii amittendi, nisi veniam ab academia uberiorem habeat.

XLV. De concionibus.

Nullus concionator sit, vel aliquam concionem pro gradu suo habeat, nisi ad minimum diaconus sit. Octava Maii ad Henrici Septimi commendationem sacra concio sit, quam regius in theologia professor faciat. Pridie uniuscujusque termini concio Latina hora nona antemeridiana in ecclesia beatæ Mariæ habeatur. Primo termino anni concionabitur regius professor in theologia; secundo professor dominæ Margaretæ; tertio concionator academiæ. Unoquoque die Dominico de anno in annum conciones in academiæ templo fiant: ordo idem collegiorum in concionibus observabitur, quem in disputationibus præscripsimus; incipiendo a senioribus, qui concionatores sunt in unaquaque combinatione, et sic progrediendo ad juniorem. Qui cursum suum in concionando omiserit, viginti solidis mulctabitur.

Collegia pro singulis concionibus solvent bedellis quatuor denarios, nisi quis pro gradu concionatur. Concionatores autem in concione sua utentur caputio usitato non-regentis sub pœna sex solidorum et octo denariorum, quoties deliquerint.

Prohibemus ne quisquam in concione aliqua, in loco communi tractando, in lectionibus publicis, seu aliter publice intra Universitatem nostram quicquam doceat, tractet, vel defendat contra religionem, seu ejusdem aliquam partem in regno nostro publica authoritate receptam et stabilitam; aut contra aliquem statum, authoritatem, dignitatem, seu gradum vel ecclesiasticum vel civilem hujus regni nostri Angliæ vel Hiberniæ: qui contra fecerit, errorem vel temeritatem suam cancellarii jussu cum assensu majoris partis præfectorum collegiorum revocabit, et publice confitebitur. Quod si recusaverit, aut non humiliter, eo modo quo illi præscribitur, perfecerit, eadem authoritate a collegio suo perpetuo excludatur, et Universitate exulabit.

XLVI. De vestitu scholarium.

Statuimus, ut nemo ad aliquem in Universitate gradum evectus, nisi toga talari caputioque ordini congruente, aut ad minimum insigni circa collum sacerdotali indutus collegio exeat: contra delinquentis sex solidi et octo denarii mulcta sit. Et si quispiam disputationi publicæ in sua facultate, publicis in ecclesia beatæ Mariæ precibus, concioni ad clerum, sepulturis, congregationibus, sine toga, habitu, et caputio gradui suo convenientibus, juxta antiquum academiæ morem, interfuerit, eandem mulctam incurrat. Item statuimus, ut socii cujusque collegii, et graduati qui non sunt socii, dum moram traxerint in Universitate, superiore pileo scholastico et quadrato, nisi ægrotaverint, utantur, et non alio, tam in collegio quam extra collegium, sub pœna prædicta. Prohibemus etiam, ne quis scholarium cujuscunque conditionis sit, galero utatur, aut

in collegio aliquo, aut extra collegium, nisi ægrotaverit, sub eadem pœna quoties deliquerit.

Volumus etiam, ne quisquam, studiorum nomine degens in academia, ultra unam virgam et dimidiatam panni in exteriore parte caligarum gestare præsumat; neve caligis fenestratis, conscissis, serico contextis, aliquo modo distentis aut suffarcinatis, incedat, sub pœna sex solidorum et octo denariorum quoties deliquerit.

Præterea volumus, ne quisquam aliquo collegii stipendio sustentatus, aut ad aliquod beneficium ecclesiasticum admissus, camisia rugato collari, aut ad manus rugatis plicaturis, sub pœna prædicta utatur. Licebit tamen mediocri collari rugato uti, modo nihil ex serico intexatur: proviso tamen ne superiores de vestitu ordinationes, dominorum liberos, aut militum hæredes, aliquo modo astringant. Socii, discipuli, et pensionarii singulis Dominicis et festis diebus in chorum honesto cum apparatu et superpelliciis tecti veniant; graduati autem cum caputiis gradui suo convenientibus sub pœna duodecim denariorum. Quod si quis a collegii magistro requisitus chorum ingredi cum superpellicio et caputio neglexerit, vel recusaverit, tempore publicarum precum, pro prima vice commeatu unius septimanæ, pro secunda vice duarum, pro tertia mensis mulctabitur, pro quarta collegio privabitur: neque ullum librum secum afferat, qui non vel Scripturæ pars sit, vel ad scientiam Scripturæ pertineat.

XLVII. De modestia et morum urbanitate.

Modestiam suo ordini convenientem omnes in omnibus locis colant, præsertim in concionibus et congressibus publicis. Inferiores ordines superioribus loco cedant, et debita reverentia prosequantur; hujus rei violatores, si non fuerint adulti, virga a suis coerceantur; sin adulti, primo aspere verbis castigentur; secundo hebdomadæ commeatu; tertio menstruo commeatu mulctentur; quarto e collegio ejici-

antur. Aleæ nullo tempore, chartæ pictæ non nisi Christi Nativitatis tempore, i. e. duodecim diebus tantum post diem Nativitatis, idque moderate et idoneo tempore in aulis tantum usurpentur, sub pœna expulsionis post secundam admonitionem. Quotidianæ oppidi frequentationes, sessiones in oppido diurni vel nocturni temporis, et pecuniæ inanes collationes minime usurpentur. Nulla gladiatoria, lanistaria, aut saltatoria schola, nec domus aleatoria, nec galli prælium, aut ursorum aut taurorum pugna, intra oppidum Cantabrigiæ sit, aut frequentetur, sub mulcta quadraginta solidorum ei imponenda, qui hoc statutum aut aliquam ejus partem violaverit. Nullus ex scholasticis scutis ludat; nec otiosus eorum qui ludunt spectator adstet; nec galli prælio adsit, aut lusui gladiatorio vel saltatorio, aut ursorum vel taurorum pugnæ, sub pœna trium solidorum et quatuor denariorum, quoties in hac re peccaverit. Nemo in pupillari statu degens, nisi uni ejusdem collegii, ordinis, et conditionis sodali associatus, concessaque prius a tutore, vel decano, vel collegii præfecto venia, in oppidum exeat; si secus quis exierit, mulctam arbitrio cancellarii, vel præpositi collegii cujus est, infligendam incurrat. Pauperes tamen scholares et sizatores ex licentia tutorum, dum in necessariis eorum negotiis versantur, soli exeuntes huic decreto minime astringantur. Statuimus etiam, ut nemo, cujuscunque gradus aut ordinis fuerit (publicos privatosque magistratus excipimus in executione suorum officiorum occupatos), forum frequentet, vel diutius in aliqua oppidi platea moretur, sub pœna duorum solidorum, quoties quis deliquerit, imponenda. Neque quisquam scholaris, cujuscunque gradus aut ordinis fuerit, in conventibus, quos sessiones vocant, judice pro tribunali sedente, in illum statum se ingerat, nisi prius petita a cancellario venia; qui secus fecerit, viginti solidis puniatur. In nundinis Sturbrigiensibus, vel iis quæ ad festum sancti Johannis Baptistæ tenentur, deprehensus infra gradum magistri in artibus (nisi

speciali licentia præfecti collegii, vel, eo absente, vices ejus gerentis se defendat), tres solidos et quatuor denarios nomine pœnæ pendat. Inhibemus ne eorum quispiam, qui in oppido tabernas aut cauponas aperiant, vel cibaria vendant, aliquem scholarem ad mensam, commessationes, compotationes, lusum, moram noctu aut interdiu in suas tabernas, popinas, aut diversoria recipiant, vel apud se latere patiantur: mulctam, qui hanc ordinationem offenderit, incurrat quadraginta solidorum, in usum Universitatis applicandorum, pro prima et secunda vice; tertio autem, sic ut præfertur recipiendo scholares delinquentes, ultra prædictam pecuniariam mulctam, ne popinas, tabernas, hospitia, aut diversoria aperiant, neve esculenta aut poculenta in posterum vendant, omnino interdicantur. Baccalaurei tamen legum, medicinæ, musicæ, artium magistri, et superiores gradus, pupilli etiam tutores comitantes, vel ad parentes et amicos in oppidum tanquam hospites adventantes, accersiti solummodo ad prandium et cœnam impune recipi possunt. Possunt etiam ejus ordinis scholares extra tempus prandii et cœnæ ex speciali licentia præfecti collegii, similiter impune honesta diversoria intrare, atque ibidem commorari. Statuimus etiam, ne quisquam *καπηλικὴν* in rebus mobilibus scholarium exerceat, i.e. ne emat vilius, quæ mox charius vendat, nisi per cancellarium admissus (quam paucissimos autem admittat), et interventu fidejussorum obligatus, sub pœna carceris et decem librarum, in usum academiæ convertendarum: quinetiam sic obligatus in cautione fidejussoria caveat de libro sive registro custodiendo, eoque singulis anni quartis cancellario exhibendo, in quo nomen venditoris, vel traditoris, collegii in quo degit, res vendita, vel pignoris loco tradita, pretium emptionis et venditionis, dies contractus contineatur. Porro librum eum sic exhibitum, convocato ad se altero procuratorum, cancellarius examinabit.

Qui famosum libellum ignarus sive domi sive foras

reperierit, aut corrumpat aut igni tradat, antequam alter inveniat: qui vero alteri fateatur inventum, et vim illius declaraverit, sciat se tanquam autorem delicti puniendum, et Universitate expellatur.

XLVIII. De causis forensibus.

Omnes causæ et lites quæ ad Universitatis notionem pertinent, tam procancellarii quam commissarii judicio subjiciantur; nisi procuratores vel taxatores academiæ, aut eorum aliquis, vel magister artium, aut qui supra illum fuerit, alter litigantium sit; tunc enim procancellarii solius erit jurisdictio; nisi in nundinis Sturbrigiensibus, et iis quæ ad festum sancti Johannis Baptistæ apud Barnwell teneantur. Finem autem accipient intra triduum, si fieri potest, omni juris solennitate semota: a sententia commissarii ad procancellarium appellabitur intra viginti quatuor horas post latam sententiam; a procancellario autem, sive lis coram eo cœpta sit, sive per appellationem ad eum devoluta, ad Universitatem provocatio fiet intra biduum a tempore latæ sententiæ, et non post: suamque appellationem intimabit appellans alteri procuratorum intra triduum latæ sententiæ: ille vero statim nomine academiæ judicem a quo inhibebit, ne quid pendente appellatione attentare vel innovare præsumat; prius tamen duobus solidis ab appellante honorarii loco acceptis; nec non viginti solidis apud eum depositis appellanti restituendis, si justam fuisse causam probetur; vel in usum academiæ convertendis, si temere appellasse convincatur; aut si post datos judices a prosecutione cessaverit, vel culpa sua cognitio deferatur. Causæ appellationum ad Universitatem ultra decem dies, si fieri possit, post datos judices non protrahantur; nec secunda provocatio omnino admittatur. Judices delegati tres ad minimum, nec plures quam quinque pro qualitate causæ in omni appellatione dabuntur; et sententiæ majoris partis illorum standum est. Potestas autem

nominandi judices sit penes quinque illos viros, qui pro capite illius anni constituti sunt, et duos procuratores; et qui a majore parte istorum nominati fuerint, ad regentes et non-regentes deferentur suffragiis suis eligendi, si placent iis; alioquin mutatis uno vel altero, alii eorum loco per dictos septemviros surrogati, proponentur eligendi; et si hi quoque displicent, similiter tertio fiet; quod si nec tertio loco positi eligantur, licebit dictis septemviris, aut eorum majori parti pro illa vice tantum delegatos judices eligere et dare: et si major pars septemvirorum vel in nominandis judicibus, vel in eligendis illis, quando electio ad eos devolvitur, non conveniant, tunc plures numero prævalebunt, licet majorem partem vel æquam habita ratione totius numeri non efficiant.

XLIX. De solutionibus faciendis ab iis qui gradus suscipiunt.

Solutiones faciendæ academiæ cancellario, procuratoribus, et bedellis, &c., ab iis qui gradus suscipiunt, in admissione sua, &c.

Magister grammatices, præter id quod solvat magistro glomeriæ, solvet pro communa 12*d.*; pulsatori campanæ 4*d.*; registrario 4*d.*; bedellis in admissione 13*s.* 4*d.* Summa 15*s.* 0*d.*

Baccalaureus in artibus solvet in sua admissione cancellario 4*d.*; præsentatori 4*d.*; procuratoribus 8*d.*; pro communa 12*d.*; pro mathematica lectura 8*d.*; registrario 2*d.*; in respondendo quæstioni tria paria chirothecarum vel 6*d.*; pro collectis 1*s.* 4*d.*; in admissione 5*s.* 4*d.*; in die cinerum 6*d.*; capellano academiæ 12*d.*; pro compotatione 3*s.* 4*d.* Summa 15*s.* 2*d.*

Baccalaureus incorporatus solvet tantundem.

Baccalaureus solvet bedellis pro introitu in libros posteriorum 5*s.* 4*d.* Summa 5*s.* 4*d.*

Inceptor in artibus solvet cancellario 2*s.*; præsentatori 12*d.*; procuratoribus 2*s.*; pro communa 1*s.* 8*d.*; pro

mathematica lectura 3*s.*; pro commutatione 4*d.*; registrario 4*d.*; pulsatori 4*d.*; bedellis pro visitatione 5*s.* 4*d.*; pro prandiis et chirothecis 3*s.* Summa 19*s.* 0*d.*

Baccalaureus in musica solvet cancellario 2*s.*; præsentatori 2*s.*; procuratoribus 2*s.*; pro communa 1*s.* 8*d.*; registrario 4*d.*; pulsatori 12*d.*; bedellis pro collectis 4*s.* 8*d.*; pro prandiis 1*s.* 6*d.*; pro visitatione 6*s.* 8*d.*; pro chirothecis 1*s.* 6*d.*; pro introitu 6*s.* 8*d.* Summa 30*s.*

Baccalaureus in medicina et in jure civili solvent quemadmodum dictum est de baccalaureis in musica.

Item, admissus ad practicandum in chirurgia vel medicina, gremialis sive non, cancellario solvet 2*s.*; procuratoribus 2*s.*; pro communa 1*s.* 8*d.*; registrario 4*d.*; pulsatori 12*d.*; præsentatori 2*s.*; pro collectis 8*s.*; pro introitu 6*s.* 8*d.*; pro responsione 6*s.* 8*d.*; pro prandiis et chirothecis 3*s.*; pro visitatione 6*s.* 8*d.* Summa 40*s.*

Procurator in curia 2*s.* 4*d.*

Inceptor in musica, medicina, vel jure civili solvet cancellario 2*s.*; procuratoribus 2*s.*; pro communa 1*s.* 8*d.*; registrario 8*d.*; pulsatori 12*d.*; bedellis pro collectis 2*s.* 8*d.*; pro duabus responsionibus 13*s.* 4*d.*; pro introitu 6*s.* 8*d.*; pro prandiis et chirothecis 3*s.*; crastino comitiorum 13*s.* 4*d.*; pro calendario 3*s.* 4*d.*; præsentatori 2*s.* Summa 2*l.* 11*s.* 8*d.*

Baccalaureus in theologia solvet cancellario 2*s.*; præsentatori 12*d.*; registrario 6*d.*; pro prima responsione 6*s.* 8*d.*; pro introitu et visitatione 6*s.* 8*d.*; pro prandiis et chirothecis 3*s.*; procuratoribus 2*s.* Summa 1*l.* 1*s.* 10*d.*

Item, solvet admissus ad opponendum procuratoribus 2*s.*; præsentatori 12*d.* Summa 3*s.*

Inceptor in theologia solvet cancellario 2*s.*; præsentatori 12*d.*; procuratoribus 2*s.*; pro communa 1*s.* 8*d.*; registrario 8*d.*; pro introitu Bibliæ 6*s.* 8*d.*; pro prandiis et chirothecis 3*s.*; pro visitatione 13*s.* 4*d.*; pro calendario 3*s.* 4*d.* Summa 1*l.* 13*s.* 8*d.*

Quilibet prædicans pro forma, seu ad clerum, seu determinans quæstiones, dabit bedellis prandium, vel duodecim denarios inter eos dividendos.

Incorporatus in aliqua facultate solvet prout de corporatis dictum est, servata taxa suæ propriæ facultatis.

Quilibet admissus in aliqua facultate solvet procuratoribus et scrutatoribus pro gratia petenda juxta antiquum academiæ morem.

Omnes incipientes in aliqua facultate dabunt cancellario, patri, et procuratoribus pro creatione et disputatione pro veteri more academiæ.

Admissi ad incipiendum in jure dabunt doctoribus suæ facultatis præsentibus in admissione juxta antiquum morem academiæ 6*s.* 8*d.*

Omnes admissi in jure satisfacient ordinario professori ejusdem pro cathedra, quam conduxit ab academia, sive sint baccalaurei sive inceptores.

Omnes quorum annuus reditus est ad valorem quadraginta marcarum, præter stipendia quæ habent a collegiis suis, aut ab academia ratione alicujus lecturæ, ad gradum aliquem scholasticum promovendi, dabunt cancellario, procuratoribus, reliquisque officiariis togas solito more academiæ, aut cum his component rationabiliter. Cujuscunque facultatis doctores, et reliqui soliti componere cum officiariis, retinebunt solennem invitandi morem regentes, pridie vesperiarum comitialium, et dabunt bedellis solitam collectam.

Doctor cathedræ juris civilis, qui commoda percipit ab his, qui gradibus juris civilis initiantur, is academiæ viginti sex solidos et octo denarios annis singulis persolvat, et consueta stipendia bedellis.

Sizatores in matriculatione quatuor tantum denarios solvent, cæteri omnes quemadmodum ante soliti sunt.

Si terminum aliquem propter sævitiam pestis intermitti contingat, nihilo tamen secius omnes illi quorum inter-

fuisset munus aliquod literarium obire mercedem in terminis pendi solitam ministris academiæ solvere teneantur.

Stipendia solvenda annuatim bedellis ad quatuor anni terminos per academiam et singula collegia.

Academia solvet annuatim . £12 16*s.* 8*d.*

	£	*s.*	*d.*		£	*s.*	*d.*
Coll. Regale .	1	0	0	Aul. Clar. . .	0	5	0
Coll. Trin. . .	1	6	8	Aul. Trin. .	0	5	0
Coll. Johan. .	0	13	4	Coll. Corp. Christi .	0	4	0
Coll. Regin. . .	0	6	8	Coll. Gonv. et Caii .	0	4	0
Coll. Christi .	0	6	8	Coll. Jesu . .	0	4	0
Aul. Pemb. . .	0	6	0	Coll. Magd. . .	0	2	0
Coll. Petri .	0	5	4	Aul. Cath. . .	0	2	0

L. De ordinationibus collegiis præscriptis.

Primo uniuscujusque termini die fractio panis et sacrosancta communio celebretur in singulis collegiis, nec non preces generales ad Deum, atque brevis exhortatio ad scholasticos a magistro collegii vel ejus vicario fiat; ut se studiis literarum et pietati dedant, et a Deo, fonte et autore omnis pietatis, cognitionis, et scientiæ, atque adeo bonarum rerum omnium, auxilium et suppetias ad suos labores impetrent.

Singuli collegiorum præfecti bis quotannis omnes scholasticos suos ad aliquod studium sacris literis adhibendum, sed imprimis ut dominicos festosque dies prece lectioneque earum sanctificent, exhortabuntur.

Singulis profestis diebus conveniant omnes socii et scholares ad horam quintam antemeridianam, et ibi preces matutinas reverenter et religiose celebrent.

Post communes in aurora ad horam quintam preces, locus communis in collegiis Regis, Trin., et Johan. ter tractabitur, et in cæteris collegiis idem locus communis bis ad minimum in hebdomada eadem hora tractabitur.

Singuli collegiorum socii et pensionarii, qui supra gradum baccalaureatus artium et infra doctoratus gradum in

aliqua facultate fuerint, locum communem suo ordine tractabunt per hebdomadas, a senioribus incipiendo, atque ita ad infimos progrediendo; quod, qui in cursu suo non fecerint, menstruo commeatu mulctentur.

Socii, discipuli, pensionarii, et scholastici singuli, qui nondum quadragesimum annum attigerint, neque ad doctoratus gradum aspirarunt, neque præfecti collegiorum sunt, matutinis hora quinta precibus et loco communi intererunt, sub pœna ea quæ in statutis adversus eos constituta est, qui in divino servitio (ut vocant) non intersint: in quibus collegiis nulla pœna constituta est, absentes pro singulis absentiis singuli duobus denariis mulctentur.

Singulæ absentiæ et tarditates a vesperis, matutinis, et synaxi communi parliamenti consensu constituta, cæterisque communibus precationibus, quatuor denariis mulctentur.

A prima die termini usque ad extremam, collegia singula problemata singulis diebus Veneris, et cætera etiam problemata per statuta illis aliis diebus assignata, sine ulla exceptione, iisdem diebus hebdomadatim observent; quod si non fecerint, qui respondere deberent, singuli quorum interest id efficere 6*s.* 8*d.*, opponentes vero singuli 3*s.* 4*d.* mulctentur.

Problemata theologica observentur tam per baccalaureos theologiæ quoscunque quam per magistros artium; et decanus constituatur, qui moderator sit, et quæstiones determinet, et mercedem certam a collegio ad id propositam habeat.

Pensionarii qui in sociorum commeatu sunt, problemata, locos communes, cæterasque exercitationes scholasticas, quemadmodum et socii, observent, sub pœna menstrui commeatus.

Magistri artium post primum ad minimum regentiæ suæ annum domi suæ in theologia disputent et respondeant.

Magistri collegiorum ab omnibus scholasticis exercita-

tionibus tam publicis quam domesticis liberentur, nisi quæ pro gradu suscipiendo fuerint constitutæ.

Singuli suo ordine concionabuntur, respondebunt, disputabunt, cæterasque exercitationes ipsi per se sua in persona habebunt, tam domi in suis collegiis, quam publice in academia, sub pœna decem solidorum, quoties deliquerint, nisi justa causa inciderit, per magistrum collegii illius cujus sunt, et majorem partem sociorum, approbanda; cæteras tamen exercitationes, quæ necessario ad gradum requiruntur, ipsi per se præstabunt.

Singuli qui in ullo collegio ad studium theologiæ, juris, et medicinæ traducti sunt, ordine suo in theologia, jure, et medicina disputare teneantur.

In singulis collegiis lectores, aut alii ad id assignati, lectiones domesticas examinent, atque etiam, si commode fieri poterit, publicas, sub pœna 12*d.* quoties deliquerint.

Tutores pupillos suos diligenter doceant, convenienter corrigant, nec permittant eos solute in oppido vagari.

Lectiones domesticæ ita instituantur ut nullum impedimentum publicis professorum lectionibus afferant.

Singuli collegiorum præfecti curabunt, ut in ædibus suis singuli scriptores scholastici sua propria et prima lingua legantur et cognoscantur.

Nemo scholaris in ullum collegium admittatur, nisi quartum decimum annum adimpleverit, nec quisquam ad ullum collegium assumatur, nisi instructus et præparatus fuerit ad dialecticam discendam.

In singulis collegiis magister, decanus, et lector publicus singulos in collegium admittendos, ante primum illorum ingressum, examinent, utrum perfecte teneant grammaticam necne; ut nulli in hujusmodi loca admittantur, qui non in ea satis ad mathematicam et dialecticam discendam profecerint.

Nemo in collegio ullo grammaticam doceat, nisi in collegiis Trinitatis et Regio quoad choristas.

Ceremoniæ saliendi recentes scholasticos prorsus aboleantur, propter multas incommoditates quæ ex illis consequuntur; modicæ tamen impensæ possunt in conviviis retineri.

Nemo in aliquod collegium theologorum admittatur socius, nisi sit actualis baccalaureus artium.

Quicunque alterum parentem Anglum habent, licet in locis transmarinis nati fuerint, sumantur tanquam nati in illo comitatu in quo parens Anglus procreatus fuit. Quod si uterque parens Anglus extiterit, ex illo comitatu esse censeantur ex quo patrem illorum fuisse constiterit.

Nemo, consensu magistri et majoris partis sociorum aut seniorum ab aliquo collegio expulsus, in aliud collegium recipiatur, sub pœna quadraginta solidorum infligenda tutori a quo fuit receptus, et tantundem præposito per quem fuit admissus in illud collegium, aut in eodem manere permissus: mulcta illa æqualiter dividatur inter illud collegium unde fuerat expulsus et academiam.

Singulorum collegiorum præsides, qui habiles sunt et libenter ad concionandum accedunt, sacerdotium ad quadraginta marcarum valorem annuum habere possunt, et ad trium annorum spatium sodalitium suum retinere; modo singulis annis concionem unam in collegio suo, et alteram in academia habeant.

In sociorum et discipulorum electionibus pauperum filii apti et ingeniosi divitum et potentiorum filiis præferantur.

Jentaculorum et prandiorum consueti in disputationum tempore sumptus per magistrum et majorem partem sociorum leventur et minuantur.

In omnibus et singulis electionibus tam sociorum, discipulorum, scholarium, officiariorum, lectorum, reliquorumque membrorum cujusque collegii, quam in omnibus et singulis locationibus et concessionibus quibuscunque, necessario requirendus est magistri sive præpositi illius collegii assensus et consensus. Et quod bene licebit ma-

gistris sive præpositis collegiorum in suis collegiis, si quando illis necessarium videbitur, omnes illas pœnas exercere in delinquentes, quas aliquis officiariorum illius collegii per statuta ejusdem collegii imponere possit.

Si quisquam collegio vel domo sua abfuerit, ex quacunque causa, non licebit illi vocem et suffragium suum aliis committere in ullo genere electionis.

Lectores et cæteri ejusdem collegii, si simul rure tempore pestis sunt, ut lectiones cæterasque exercitationes consuetas, quemadmodum si domi essent, habeant, omnes commoditates et fructus percipiant, quos haberent, si domi essent.

Nullus seneschallus, bursarius, aut hujusmodi aliquis administer, plus pecuniæ præ manibus habeat, quam ad unius mensis provisionem satis pro illo collegio sit.

Socios collegiorum maritos esse non permittimus, sed statim postquam quis uxorem duxerit, socius collegii desinat esse: ordinem tamen gradus sui in academia tenere potest.

Januæ et portæ per singula collegia una eademque hora vesperis obserentur; hieme, viz. hora octava; æstate, hora nona: hiemem hoc loco interpretamur a festo sancti Michaelis ad festum annunciationis beatæ Mariæ; æstatem, quod reliquum est anni: claves vero portarum singulis noctibus ad cubiculum magistri uniuscujusque collegii, aut, eo absente, præsidis, deferantur.

Omnes concessiones quæ communi sigillo sive academiæ sive ullius collegii obsignantur in registro prius scribantur, et ante obsignationem cum registro conferantur.

Nullus in festo Nativitatis sit dominus ludorum quocunque nomine censeatur, absque consensu cancellarii et præfectorum collegiorum.

Convivia antiquis exequiis adjuncta abrogata sunto; et in illorum loco moderatæ epulæ commendationum diebus magistri et sociorum judicio instruantur; omnisque eleemosyna, quæ antehac distribui post exequias solebat, hoc tempore pauperibus dividatur. Et cætera convivia quo-

rumcunque temporum judicio magistrorum et sociorum legitimam moderationem accipiant, reservato tamen bedellis jure suo veteri pecuniario.

In singulis collegiis primo die post cujusque termini finem, totum collegium in sacellum conveniat, et post quadragesimum quartum caput ecclesiastici lectum, aliquis a magistro assignatus concionabitur; ubi fundatoris cæterorumque insignium virorum, quorum in eo collegio benefacta late patent, præclara commendatio erit; et quanta gloria Deus afficiendus sit demonstrabitur, qui per hos benefactores ingentia in illos beneficia contulerit; et societatem illam hortabitur, ut eisdem ad Dei gloriam, et eruditionis amplificationem, et honestum fundatoris institutum, utantur; et Deum precentur, ut ita viventium corda suæ benignitatis gratia affundat, ut ad Dei gloriam illustrandam, et Christianam religionem adaugendam, opes et facultates suas similiter conferant. Post concionem peroratam cantabunt Anglice Te Deum: Laudate Dominum in cœlis: Cantate: Laudate Dominum in sanctis. Ad finem Psalmorum, Gloria Patri, et post finem Psalmorum dicent:

The memory of the righteous shall remain for evermore.

Resp. And shall not be afraid of any evil report.

The Lord be with you.

Resp. And with thy spirit.

Let us pray.

O Lord, we glorify thee in these thy servants our benefactors, departed out of this present life; beseeching thee that as they for their time bestowed charitably for our comfort the temporall things which thou didst give them, so we for our time may fruitfully use the same, to the setting forth of thy holy word, thy laud, and praise; and finally, that both they and we may reign with thee in glory, thrô Jesus Christ our Lord. Amen.

Concionatori huic certa merces per magistrum et socios collegii constituatur.

In omnibus his statutis ubi nulla expressa pœna violatoribus imponitur, liceat cancellario cum consensu præfectorum collegiorum certam pœnam assignare atque imponere eorum violatoribus; atque ita legitima sit, ac si in prædictis statutis posita fuisset. In singulis autem collegiis, ubi nulla expressa pœna levius delinquentibus imponitur, ibi judicio magistri illius collegii seu vices ejus gerentis puniatur.

Mulctæ in his statutis præscriptæ, nisi aliter iisdem statutis cautum sit, in tres partes dividantur: quarum una in academiæ, altera in procuratorum, tertia in præconum usus convertatur.

Mulctæ imponendæ modus hic sit. Magister collegii, aut, eo absente, præses, aut qui primarius illis absentibus est, de præconum querela præcipiet thesaurariis collegii, aut illis quibus illius collegii commissa est pecunia, ut hanc muletam alicui ex præconibus sine ulla dilatione solvant; idque virtute jurisjurandi, quod academiæ et collegio suo obtulerunt: eandemque pecuniam sibi iterum ex stipendio eo thesaurarius aut ejus administer persolvat, quod reus a collegio recipere debeat.

Statuta omnia, compositiones, et consuetudines, quæ Scripturis Sacris, institutis nostris, aut istis statutis adversari videbuntur, abrogata et recissa sunto, reliquis suo robore permansuris.

Si quid dubii vel ambigui in istis statutis et sanctionibus nostris oriatur, id per cancellarium et majorem partem præfectorum collegiorum explicabitur et determinabitur, quorum determinationi et interpretationi reliquos omnes cedere volumus.

Statutorum horum exempla quatuor sint; unum in communi ærario repositum, alterum apud cancellarium, duo procuratores habeant.

Gulielmus Cecilius.

ACT OF PARLIAMENT,

CONCERNING PURVEYANCE IN THE UNIVERSITY.

[From the Statutes, 13 Eliz. c. 21. A.D. 1571.]

An Acte that purveyours may take graine, corne, or vyctuals within fyve myles of Cambridge and Oxford, in certayne cases.

Whereas in the second and thyrde yeres of the late kynge Phillip and queene Mary, it was, with the assent of the lordes spyrytuall and temporall and the commons in that present parlyament assembled, enacted, ordeyned, and established, That from thencefourth no maner of purveyor, taker, badger, loader, or other mynister, might or shoulde take or bargayne for anye kynde of vyctual or grayne in any of the markettes of the townes of Cambridge and the citie of Oxforde, nor should take or bargayne for any vyctuall within the compasse of fyve miles thereunto adjoyninge, without the consent, agreement, or good will of the owner or owners, neither should attempt to carry, take awaye, or bargayne for, any maner of grayne or other vyctual bought or provyded within the said space of fyve myles, by any comon mynister of any colledge, hostel, or haule, to be spent within any of the said colledges, hostels, or haules, upon payne of forfayture of the quadruple value of any such maner grayne or vyctuall so taken or barganed for in any of the said markettes, or within the said space of fyve myles, agaynst the wyll of the owners as is abovesaid, or attempted to be taken or caryed awaye or bargayned for, being provyded as is abovesaid, for to be spent within anye of the said collyges, hostels, or haules, and further should suffer ymprysonment for the space of three monethes without bayle or mayneprise; and that the chauncelor or vyce-chauncellor, or his commissarie for the tyme beyng, in either of the said Unyversities, with two justices of peace of the countye wherein the said Unyversitys be set,

shall have ful powre by aucthoritie of the said acte, to enquyre by the othes of twelve men, of and upon the defaultes and offences commytted contrary to the tenour thereof, and to see due punyshment and reformation thereof in fourme aforesaid from tyme to tyme; the one halfe of which foresaid forfaytures to be to the common treasourers of eyther of the said Unyversities respectively to the faulte committed agaynst the said pryvyledg, thother halfe to the party that will sue for the same by action of debt, bill, playnte, or otherwyse, in any courte of recorde, or before the foresaid chauncellour, his vice-chauncellour, or commissarye, or theyr deputies for the tyme beyng, and two justices of peace, as is before expressed; as by the said acte more at large appeareth: sithens the makyng of which acte dyvers of the towneshippes, inhabitauntes, and resyauntes within the lymyttes and precinct aforesaide, have converted the benefit of the said acte to theyr pryvate use and commodytie, without any profite or commodity to the poore schollers of either of the said Unyversities, contrary to the true intent and meaning of the said acte, whereby the queenes majestie is not only not served of provysion of corne, grayne, or other vyctuall, to be taken for her majesties provysion, but also the said Unyversytyes are defrauded of the benefyt and comodities to them intended and graunted as is aforesaid: for remedie whereof bee yt enacted and ordeyned by thaucthoritie of this present parlyament, That from hencefoorth no maner of purveyour, taker, badger, loader, poulter, or other mynister for the queenes majestie, her heyres or successors, nor any other comon poulter, shall or maye take or bargayne for any kynd of vyctuall or grayne in anye of the said markettes or townes of Cambridge and the citye of Oxford, or either of them, nor shall take or bargayne for anye vyctual or grayne within the compasse of the aforesaid fyve myles thereunto adjoynyng, without the consent, agreement, good

wyll, and lycense, of eyther of the sayde chauncellours or vyce-chauncellours, for the tyme being, in wrytinge had and obtayned, under the seale or seales of the office of the said chauncellor or vyce-chauncellor of eyther of the sayd Unyversities, and in no other fourme then in the said lycense in wryting shalbe conteyned and expressed, so as the same geve not to any of the foresaide purveyours, takers, badgers, loaders, poulters, or others, any further auethoritie and powre then they have or maye lawfully use in other partes of the same countrye being without the said lymites of fyve myles; neither shall attempte to carrye, take awaye, or bargayne for, any maner of grayne and other vyctuall bought and provyded within the saide space of fyve myles by any comon mynister of any colledge, hostel, or haule, to be spent within any of the said colledges, hostels, or haules, without lyke lycence and assent, and in no other fourme then is next aforesaid mentioned; upon lyke paynes, forfaytures, and ymprisonments, and to lyke uses, as are lymited and ordeyned by the said former statute; and that the said chauncellours or vice-chauncellors for the tyme being of either of the said Unyversities, with two justices of peace of the said Unyversities, citye, towne, or countye wherein the said Unyversities be set, shall have lyke powre and auethoritie by this acte to enquyre upon the defaultes and offences contrary to the tenour hereof, and to see due punyshment and reformation thereof in fourme aforesaid, as was to them lymyted and appoynted by the said former acte.

And bee yt further by thauethorytye aforesaid enacted and ordayned, That yf anye person or persons within the said precincte of fyve myles shall refuse reasonably to serve the necessarie provysion of the said Unyversities according to the true meaninge of this present acte, that then it shalbe lawfull to anye of the queenes majesties takers or purveyours to provyde any corne or vyctual of anye such person

or persons within any parte of the precincte aforesaid, for the use of the queenes majestie, as shalbe declared and notyfied to the saide purveyours or takers to be persons not worthy of the said pryviledge, for not reasonable serving the necessities of the said Unyversities, by the chauncelour or vyce-chauncellour for the tyme being of either of the said Unyversities, with the assent and consent of two justices of peace resiaunt within either of the said Unyversities, cytie, towne, or countie, under the hands and seales of the said chauncelour or vice-chauncelour and the said two justices of peace, as the said purveyours or takers lawfully may in any other place without the said precincte of fyve myles, and not otherwise; the said former act or any thing therein conteyned, or any other clause, article, sentence, or matter whatsoever to the contrary notwithstanding.

Provyded, That this acte shall not be put in execution at any tyme or tymes whensoever the queenes majestie, her heyres or successours, shall come to any of both the saide Unyversities, or within seven myles of either of them, but shalbe in suspence during that tyme onely and no longer.

Provyded alwayes, and be it enacted by thaucthoritie aforesaid, That this acte, or any thynge therein conteyned, shall not in any wyse be prejudiciall or hurtfull to the mayor, bayliffes, and comynaltie of the citie of Oxford, nor the mayor or comynaltie of the towne of Cambridge, or to theyr successors, for and concerning any of theyr liberties or privileges; but that they and every of them, and theyr successours respectyvely, may have and use the same in such maner and fourme as they or any of them might or ought to have donne before the making of this acte; any thynge in thys acte conteyned to the contrarie notwithstandinge.

Provyded alwayes, That this act shall contynue unto the laste daye of the next parlyament.

ACT OF PARLIAMENT,

FOR THE INCORPORATION OF THE UNIVERSITIES.

[Statutes, 13 Eliz. c. 29.]

An Acte for thincorporation of bothe thunyversities.

For the greate love and favor that the queenes most excellent majestie beareth towardes her highnes Universities of Oxford and Cambridge, and for the greate zeale and care that the lords and commons of this present parliament have for the mayntenaunce of good and godly literature and the vertuouse education of youth within either of the same Universities, here before graunted, ratified, and confirmed by the queenes highnes and her most noble progenitors, may be had in greater estymation, and be of greater force and strengthe, for the better increase of larning, and the further suppressing of vice: Be it therefore enacted by the aucthoritye of this present parlyament, that the right honorable Robert erle of Leicester, nowe chauncellor of the said Universitie of Oxford, and his successors for ever, and the masters and schollers of the same Universitie of Oxford for the tyme being, shalbe incorporated and have a perpetuall succession in facte, dede, and name, by the name of the chauncellor, masters, and schollers of the Universitie of Oxford, and that the same chauncellor, maisters, and schollers of the same Universitie of Oxford for the tyme being, from henceforth by the name of chauncellor, maisters, and schollers of the Universitie of Oxford, and by none other name or names, shalbe called and named for evermore; and that they shall have a common seale to serve for their necessarie causes touching and concerning the sayd chauncellor, maysters, and schollers of the said Universitie of Oxford and their successors: And likewyse that the right honorable Sir William Cicill,

knight, baron of Burghley, nowe chauncellor of the said Universitie of Cambridg, and his successors for ever, and the masters and schollers of the same Universitie of Cambridg for the tyme being, shalbe incorporated, and have a perpetual succession in fact, deede, and name, by the name of the chauncellor, maisters, and schollers of the Universitie of Cambridge, and that the same chauncellor, masters, and schollers of the said Universitie of Cambridg for the tyme being, from henceforth by the name of chauncellor, maisters, and schollers of the Unyversitie of Cambridg, and by none other name or names, shalbe called and named for evermore; and that they shall have a comon seale to serve for their necessarye causes touching and concerning the said chauncellor, maisters, and schollers of the said Universitie of Cambridg and their successors: And further, that aswell the chauncellor, maiesters, and schollers of the said Universitie of Oxford, and their successors, by the name of chauncellor, masters, and schollers of the Universitie of Oxford, as the chauncellor, maisters, and schollers of the sayd Universitie of Cambridge, and theire successors, by the name of chauncellor, maisters, and schollers of the Universitie of Cambridg, may severally impleade and be ympleaded, and sue or be sued, for all manner of causes, quarels, actions, realles, personall, and mixt, of whatsoever kynde, qualitie, or nature they be, and shall and maye challeng and demaunde all manner of liberties and fraunchises, and also aunswere and defend themselves, under and by the name aforesaid, in the same causes, quarels, and actions, for every thinge and thinges whatsoever, for the proffit and right of either of the foresaid Universities to be don, before any manner of judge either spirituall or temporall, in any courtes and places within the queenes highnes domynions, whatsoever they be.

And be it further enacted by the auctoritie aforesaid, That the letters patents of the queenes highness most noble

father, kinge Henry theight, made and graunted to the chauncellor and schollers of the Universitie of Oxford, bearing date the first daye of Aprill in the foureteine yere of his raigne, and the lettres patentes of the queenes majestie that nowe is, made and graunted unto the chauncellor, maisters, and schollers of the Universitie of Cambridge, bearing date the sixe and twentie daye of Aprill in the third yeare of her highnes most gratious raigne, and also all other lettres patentes by any of the progenitors or predecessors of our said soveraigne ladye made to either of the said corporated bodies severally, or to anye of their predecessors of either of the said Universities, by whatsoever name or names the said chauncellor, masters, and schollers of either of the said Universities in anye of the said lettres patentes have ben heretofore named, shall from henceforth be good, effectuall, and avaylable in the lawe, to all intentes, constructions, and purposes, to the foresaid nowe chauncellor, maisters, and schollers of either of the said Universities, and to their successors for evermore, after and according to the fourme, wordes, sentences, and true meaning of every of the same lettres patentes, as amply, fullye, and largely, as yf the same lettres patentes were recited verbatim in this present acte of parlyament; any thing to the contrary in any wyse notwithstandinge.

And furthermore be yt enacted by thauethoritye aforesaid, That the chauncellor, masters, and schollers of either of the said Universities severally, and their successors for ever, by the same name of chauncellor, maisters, and schollors of either of the said Universities of Oxforde and Cambridge, shall and may severally have, holde, possesse, enjoye, and use, to them and to their successors for ever more, all manner of mannors, lorshippes, rectories, parsonages, lands, tenements, rents, services, annuyties, advousons of churches, possessions, pencions, portions, and hereditamentes, and all manner of liberties, fraunchises, immu-

nytes, quietances, and pryvileges, view of frankpledge, lawedaies, and other thinges whatsoever they be, the which either of the said corporated bodies of either of the said Universities had held, occupied, or enjoyed, or of right ought to have had, used, occupied, and enjoyed, at any tyme or tymes before the making of this acte of parlyament; according to the true intent and meaninge aswell of the said lettres patentes made by the said noble prynce kyng Henrye theight, made and graunted to the chauncellor and schollers of the Unyversitie of Oxford, bearing date as is aforesaid, as of the lettres patentes of the queenes majestie, made and graunted unto the chauncellor, masters, and schollers of the Universitie of Cambridge, bearing date as aforesaid, and as accordinge to the true intent and meaninge of all other the foresaid lettres patentes whatsover; any statute or other thinge or thinges whatsoever heretofore made or don to the contrary in anye manner of wyse notwithstandinge.

And be it further enacted by thaucthority aforesaid, That all manner of instrumentes, indentures, obligations, writinges obligatory, and recognisaunces, made or knowledged by any person or persons, or body corporate, to either of the said corporated bodies of either of the said Universities, by what name or names soever the said chauncellor, maisters, and schollers of either of the said Universities have ben heretofore called in any of the said instrumentes, indentures, obligations, writings obligatori, or recognizaunces, shalbe from henceforth avaylable, stand, and contynue of good, perfect, and full force and strength, to the nowe chauncellor, maisters, and schollers of either of the said Universities, and to their successors, to all intentes, constructions, and purposes, althoughe they or their predecessors, or any of them, in any of the said instruments, indentures, obligations, writings obligatory, or recognyzaunzes, be named by any name contrary or dyverse to the

name of the nowe chauncellor, maisters, and schollers of either of the said Universities.

And bee it also enacted by thaucthoritie aforesaid, That aswell the said lettres patentes of the quenes highnes said father kinge Henry theight, bearing date as is before expressed, made and graunted to the said corporate bodye of the said Universitie of Oxon, as the lettres patentes of the queenes majestie aforesaid, graunted to the chauncellor, maister, and schollers of the Universitie of Cambridg, bearing date as aforesaid, and all other lettres patentes by any of the progenitors or predecessors of her highnes, and all manner of liberties, fraunchises, immunyties, quietances, and privilidges, letes, lawedayes, and other thinges whatsoever, therein expressed, geven, or graunted to the said chauncellor, maisters, or schollers of either of the said Universities, or to anye of their predecessors of either of the said Universities, by whatsoever name the said chauncellor, maisters, and schollers of either of the said Universities in any of the said lettres patentes be named, in and by vertue of this present acte shalbe from henceforth ratyfied, stablished, and confirmed unto the said chauncellor, maisters, and schollers of either of the said Universities, and to their successors for ever; any statute, lawe, usage, custom, construction, or other thing to the contrary in any wyse notwithstanding.

Savinge to all and every person and persons, and bodies politike and incorporate, the heyres and successors, and the heirs and successors of every of them, other then to the quenes majestie, her heires and successors, all such rightes, titles, interestes, entrees, leases, conditions, charges, and demaundes, which they and every of them had, might, or should have had, of, in, or to any the mannors, lordshippes, rectories, parsonages, landes, tenementes, rentes, services, annuyties, advousons of churches, pencions, porcions, hereditamentes, and all other thinges in the said lettres patentes,

or in any of them, mencioned or comprysed, by reason of any right, title, charge, interest, or condicion, to them or any of them, or to the auncestors or predecessors of them or any of them, devolute or growne, before the several dates of the same lettres patentes, or by reason of any gyfte, graunte, demyse, or other acte or actes, at any tyme made or don betwene the said chauncelor, maisters, and schollers of either of the said Universities of Cambridge and Oxford, or any of them or others, by what name or names soever the same were made or don, in like manner and fourme as they and every of them had or might have had the same before the making of this acte; any thinge, &c.

Provyded alwaies and be it enacted by thaucthoritie aforesaid, That this acte or anye thinge therein contayned shall not extend to the prejudice or hurt of the liberties and privileges of right belonging to the maior, bayliffes, and burgeses of the towne of Cambridge and cittie of Oxford; but that they the said maiors, bayliffes, and burgeses, and every of them and their successors, shalbe and contyneu fre, in such sort and degree, and enjoye such liberties, fredomes, and ymmunyties, as they or any of them lawfully may or might have don before the making of this presente acte; any thing contayned in this present acte to the contrary notwithstandinge.

DECREES OF THE HEADS.

Maii 8vo, 1571. That no one goe into the water.

Multis et gravibus de causis ordinatum, decretum, et statutum fuit et est per magistrum Johannem Whitgift, S. T. P. almæ Universitatis Cantabrigiensis vice-cancellarium, præpositos, magistros, sive præsidentes collegiorum, in scholis publicis 8vo die mensis Maii A.D. 1571, et Reginæ Eliz. 13o. Si quis scholarium hujus Universitatis, cujuscunque ordinis aut status fuerit, infra gradum bac. artium, rivum, stagnum, aut aliam aquam quamcunque intra comitatum Cantabrigiæ, natandi seu lavandi causa, diurno vel nocturno tempore ingrediatur; et super hoc vel evidentia facti vel sufficienti probatione convictus fuerit; quod tunc omnis hujusmodi sic delinquens pro prima vice acriter et severe, primo domi in collegio in quo commoratur verberibus castigetur et puniatur palam et publice in communi aula, in præsentia omnium et singulorum sociorum, scholarium, et reliquorum in dicto collegio commorantium; et consequenter proximo die palam et publice in scholis publicis coram lectore cujus est lectionis, aut esse debuit, auditor, et omnium auditorum ejusdem per unum procuratorum, aut alium assignandum per dominum vice-cancellarium, severe acriterque verberibus iterum puniatur et castigetur, omni excusatione, petitione, supplicatione, aut indulgentia omnino cessante: et secunda vice, quod omnis sic delinquens, et collegio, cujus est scholaris, et Universitate, privetur, et ipso in perpetuum expellatur.

A batchelor of arts to be set in the college stocks.

Quod si baccalaureus artium existat, tunc pro prima vice quilibet sic delinquens in cippis, pedibus constrictis, per unum diem integrum in aula communi ejus collegii in quo commoratur, plectatur: et insuper ante ejus dimis-

sionem e cippis decem solidos legalis monetæ Angliæ persolvere teneatur ad commeatum sive communas omnium in eodem collegio existentium: et pro secunda vice idem collegio et Universitate expulsus recedere teneatur, omni appellatione, querela, sive revocatione omnimodo et in omnibus supradictis cessante et remota. Quod si sit in artibus magister, aut bac. in jure, medicina, aut musica, aut superioris gradus aut ordinis, tunc eum severe puniendum et castigandum judicio et arbitrio præpositi collegii in quo idem delinquens inhabitat, aut, eo absente, præsidentis et unius decanorum commiserint præfati constituentes.

Jun. 27°, 1571. De patre eligendo in die cin. et comit.

Decretum fuit per dominum Doctorem Whitgift, vicecan. et præfectos collegiorum, juniorem procuratorem deinceps debere habere omnem authoritatem eligendi et assignandi patrem, replicatores, et baccalaureum tripodis in die cinerum, et seniorem procuratorem similiter habere debere eandem authoritatem in maximis comitiis.

Mar. 21°, 1571. Limitation of the proctors power at the tripos.

Whereas upon some controversies, Mr. proctors at the latter act pronounced all the questionists of this year to have fully determined, and to be actual batchelors, except the questionists of Trinity College; it was defined, ruled, and determined by Mr. Roger Kelk, doctor of divinity, and vice-chancellor of the University of Cambridge, Mr. Dr. Pern, Hawford, Whitgift, Chaderton, Bing, and Mr. Aldrich, that the said questionists were full, compleat, and actual batchelors; and that Mr. proctors had no authority or power to change, alter, or prolong the profession, examination, or determination of the bachelors, other than the statute in that behalf hath provided and determined.

Item, it was then and there by the said Mr. doctors

and heads, determined, that where in the statutes any mulct or penalty is specified or assigned, in that case the proctors cannot use or exercise any suspension, but only exact and demand execution of the said mulct.

Mar. 25°, 1571. Limitation about wearing hats.

It was defined and decreed by Mr. Dr. Kelk, vice-chancellor, Dr. Pern, Hawford, Whitgift, Chaderton, Ithell, Bing, and Shepheard, that no excuse of wearing of hats should be allowed, either within the college, or abroad in the University, unless he that did wear any hat within any college were non-commons, and without the college within the University did wear a karcher with his hat; else to pay the mulct.

CONTROVERSIAL LETTERS AND PAPERS,

RELATING TO THE DISPUTES ABOUT THE NEW STATUTES, A.D. 1572.*

LETTER TO THE ARCHBISHOP OF CANTERBURY.

[Printed in Dr. Lamb's "Documents."]

To the most reverend Father in God and our singular good lorde the Lorde of Canterbury his Grace at Lambeth.

Forasmuch as we did forgett yesterday to move your grace to conferr with my Lord Burley of some order and commaundement to be sent to Mr. vice-chancellor and the

* In the twelfth year of the reign of Elizabeth, with the view of securing to the heads of colleges the whole government of the University, four masters, of whom Whitgift, master of Trinity, was the leader, drew up a set of statutes, for which they sought and obtained the approbation of Lord Burghley, chancellor of the University; by whom they were presented to the queen, and she commanded that they should be established. It was not to be expected

heades of colledges, for the repressinge of the licentiouse and contestiouse manner of preachinge used now adays at Cambridge by divers younge preachers, who are not afraide

that the new statutes would be cordially received by all parties in the University: a controversy arose, and was continued through some years with great warmth. The proctors, fellows, and masters of arts, complained that the new statutes left them no voice in the appointment of the chief officers in the University. Hitherto they had met in congregation with the heads of houses, and had proposed and voted for whomsoever they thought fit; now they were to choose for the office of vice-chancellor one out of two proposed by the heads of houses, and the nomination of the caput was to be virtually in the power of the vice-chancellor alone. The opposition party used every opportunity of expressing their dissatisfaction with the new statutes. In conversation, in public meetings, and from the pulpits of the town, they boldly charged the heads of houses with the most grievous tyranny. Whitgift and his party appealed to Lord Burghley, the chancellor of the University, to use some strong measures for repressing this boldness. The masters and fellows also appealed to him for the alteration of the new statutes. The proctors and taxors for the year 1572 were the principal leaders of the opposition; they, together with Mr. Browne, a fellow of Pembroke Hall, were appointed to conduct all correspondence with noblemen and others towards furthering their suit to Lord Burghley. The document appointing them has 164 signatures. Lord Burghley requested the two archbishops and four bishops to examine the matter. Both parties appeared, the cause was heard, and the verdict given in favour of the heads of houses. The malcontents were not silenced; they drew up a list of their complaints against the new statutes, alleging many reasons why they should not be enforced. They objected to the new method of electing the vice-chancellor, the lecturers, and the caput; to the new ordinances prescribed to the colleges; to giving to the heads of houses the power of judging of any man's fitness for an office, and of interpreting the statutes; to the public scrutiny of votes now introduced; and they brought forward many instances to prove that the new laws were inconsistent with one another. This catalogue of grievances was answered by the heads of houses, who endeavoured to shew that the opposition was principally excited by the two proctors for the year. They insi-

to ympunge openly in pulpett, not only the booke of common service, but allso particulerlie discribe and name men of all degrees both honorable that be absent and other that be present, according to the license of the olde poetes, whereof we have lefte a note with my Lorde Burley. These maye be most humblie to desire your grace to talke this daye with my L. Burley for some severe order to be taken in that matter; for that hitherto theie do nothinge regarde the godlie order the which your grace hath provided to be inserted in all your graces licenses directed contrary to that their insolent and contentiouse attemptes; the which, if it may be so permitted unto them, besides that it will bring the preaching of the word of God into contempte, it will cause much contention and further disordre, as your grace doth well knowe, whome we pray almightie God long to preserve in good healthe and honorable prosperitie.—Your graces alwayes to commande,

JOHN WHITGYFTE.
ANDREW PERNE.
JOHN MEY.

nuate that the regents wish to retain the power of electing officers, in order that they may choose men who would connive at their licentious conduct. They state that the new method of electing the vice-chancellor avoids much confusion; and that the heads of colleges always know best who are the fittest men for the office. They affirm that no injury is done to the doctors by the new method of electing the vice-chancellor, as many of them are absent from the University, and those who are present have other things to care for; and that some of them are given to licentiousness and contention. The complainants briefly replied to the answers of the heads of houses, restating their objections to the new statutes. The masters of colleges immediately drew up a series of articles against the two proctors, the taxor, Mr. Browne, and others, charging them with obtaining subscriptions to petitions under false pretences; with great arrogance in their general behaviour; and with contempt of the ancient statutes in the discharge of their duty as officers of the University.

LIST OF SUBSCRIPTIONS.

[Printed in Dr. Lamb's "Documents."]

THESE whose names be subscribed are content that Mr. Beacon, orator of Cambridge, and senior proctor; Mr. Puresay, junior proctor; Mr. Nicols, taxor; and Mr. Browne, fellow of Pembroke Hall; or anie of them, shall subscribe their names unto lettres directed to the earles of Sussex, Huntington, and Bedforde, to Sir Ralph Sadler, or to the archbishop of Yorke, or byshop of London, or anie other noblemen or counselors whatsoever, as towching the furtherance of a supplication directed in their names, subscribed with their owne hands to my Lord Burley, chancellor of the Universitie of Cambridge, for reformation of certaine matters amisse in the newe statutes of the said Universitie. In witness whereof the said parties have subscribed their names, the vith of May, 1572.

Thomas Robardes
Robertus Sayer
Richardus Fletcher
Richardus Willoughbeus
Thomas Gouche
Robertus Swettus
Josias Byrd
Rodolph Wilkinson
Egidius Aleph
Hugo Booth
Gulielmus Chester
Petrus Shaw
Thomas Beswell
Richard Wood
Grifinus Briskin
Edoward Gilbard
Stephen Cardinall
Tho. Randalph
Richardus Fawcet
Georgius Caius
Mauritius Faukner
Laurentius Washington
Edward Maud
Joannes Mayre
Jacobus Hyll
Joannes Pratt
Rich. Roley
Gabriel Ducket
Edwarde Ellys
John Knewstubbes
Robertus Willan
Richardus Jacksonius
Joannes Freake
Rychardus Osbornius
Umphridus Tendallus
Robertus Hales
Paulus Soterus
Richardus Smith
Nicholas Browne
Thomas Wace
Robertus Pattinson
Stephanus Milnes
Ricardus Cosin
Joannes James
Henry Nants
Joannes Studley
Robertus Bennet
Leonardus Chambers
John Walsede
Thomas Henche
Christoph. Webbe
Guilm. Coett
Robert Bolton
Jacobus Taylor
Gulielmus Lakin
Daniel Munsey
John Waters
Gulielmus Crosthwaith
Thomas Bennet

Edwardus Doughty
Edwardus Kelvey
Joannes Duffeythe
Gualterus Barker
Joannes Fawcett
Henry Grenwode
Philip Stringer
W. Clarke
W. James
Humfridus Cartwright
Nicolaus Challoner
Gulielmus Hawes
Richardus Burton
Georgius Northie
Thomas Churche
Johannes Amye
Robertus Baker
Thomas Weeches
Gulielmus Hannam
Jacobus Cole
Nich. Colpottes
Henricus Haies
Johannes Archer
Nicholaus Horne
Robertus Conneye
Osmundus Lakes
Mattheus Chalfount
Philip Manfielde
Augustinus Dyke
Robertus Draper
Johannes Daunsey
Wylliam Brumstead
Alanus Par, Bach. The.
Isaac Barro, D. Med.
Rich. Perne
W. Greke
Rich. Remington
Bart. Heth
Gulielmus Ashebold
Rob. Faye
Gulielmus Cl——
Thomas Lorkin
Fraunch Broughton
Richarde Mowsse
John Smithe
Thomas Scott
James Carlell
Gulihelmus Stanton
Henricus Bankes
Ed. Croft
Johannes Laurans
Johannes Nicolsonn
Robertus Rhodes
Johannes Moor
Johannes Millen
Laurence Chaderton
Edmund Barwell
Jacobus Bill
Charles Radclyffe
Cornellius Welles
Christopher Watson
Ambr. Forth
Robertus Landysdall
Gulielmus Bickay
Gulielmus Marches
Amb. Copinger
Johannes Langworthus
Edmundus Rockray, Bach. Theol.
Thomas Sykellmore
Godfrey Goldisburghe
Guliel. Buste
Joannes Hanson, junr.
Robt. Howes
Edwardus Jerminus
Thomas Neuries
John Johnson
Thomas Legge
Joannes Deye
Michael Warde
Gul. Goldingham
Jeremias Kydde
Robertus Sendell
Edmundus Messenger
David Yates
William Bradley
Johannes Browninge
Christopherus Kirklandemus
Johannes Bell
Philippus Hare
Osmundus David
Franciscus Lindleius
Henricus Hammont
Joannes Fraseus
John Staller
Edmundus Hownd
Robertus Church
Gulielmus Sole
Richardus Bancrofte
Reginaldus Whitfeldus
Thomas Egertonus
Edwardus Snecherus
Gulielmus Atkinsonus
Thomas Wright
Egidius Patrick
Gulielmus Ward, Dr. Med.

PAPER ADDRESSED TO LORD BURGHLEY.

[Printed in Dr. Lamb's "Original Documents."]

The heds of the colleges against the rest.

THE two proctors of our Universitie, Mr. Beacon and Mr. Puresye, and one of the taxors, Mr. Nycolls, being of their own nature given to contention, whereas they did find the Universitie very quyet and obedient to the queens majesties statutes at thenterynge of their offices, the senior proctor, Mr. Beacon, did make a seditiouse oration to the stirring upp of the myndes of the regents and non-regents to the contempt of the statutes and also of the heades, by whose provocation there hath been much disordre shewed this year of divers persons in open exercises of learning, otherwise then hath been heretofore; and at this tyme the said proctors and taxor with other hath procured divers handes of licentiouse young men, as well at Cambridge as also at London, of the which a great many of them knowe not to what they have subscribed; but as they are borne in hande to joyne with all the regents for the liberties of the University, thinking that by the number of handes procured to maintain their willfullness, they should the rather prevayle with multitude of names then with the waight of good reasons and matter. And for the alluring of more young men to subscribe to their articles, they say that they have some of the queens honourable counsell which so favourith their cause, that they will either stande or fall with them; the which is certainly known to be utterly untrue. And for the perswading of other, they repute to honorable personages that all the heades of the colleges be of their myndes, saving fower; the which also is known (by the subscription of their hands sent to your honor from tyme to tyme in that behallfe, and that also of late sithence

their cominge to London) to be cleane contrary. But it is now well knowne, that divers honorable, wise, and godly men, which do earnestly favour the good government of the University, do so greatly mislike of their insolent attempte, that they would have the captaynes of these factious to be severely punished, as well for their owne desert in disturbinge the quyetnesse of the Universitie, as also for thensample of others hereafter.

LETTER TO LORD BURGHLEY.

[From MS. Lansdowne, No. 15, art. 56.]

Whearas we do understande, that it hathe pleased your lordshipp to desire my lorde of Yorke his grace, and my lorde of London, to have the hearinge of the matters in controversey, concerninge the statutes of the Universitie of Cambridge. Yf it maye like your honour that my lorde of Caunterburye his grace, my lorde of Ely, my lorde of Wynchester, and my lorde of Lyncolne, maye be likewise desired by your honor to joyne with thother twoe in the same conference, whoe have not only been brought upp in the saide Universitie, but allso have good experience sithence that tyme of the estate of the Universitie of Oxforde. We doe thinke, that as theie shalbe hable to have the better consideracion of any quarrelles, or objections made against the saide statutes, and enforme your honor of the same accordinglie; soe their judgmentes and consent maye make more for the better likinge of the said statutes hereafter, yf it shalbe so thought good to your honor: or otherwise, we shalbe most ready and willinge to shewe our reasons and consideracions to whom and to so many of these as it shall please your honor, to the full answering (as we truste) of any cavilacions or quarrelles pretended

against the saide statutes. And thus we praie allmightie God to preserve your good lordshipp in all godly and honorable prosperitie.—Your lordshippes allwayes at commandment,

Jhon Whitgyfte.
Andrew Perne.
John Mey.
John Caius.

[23d May, 1572.]

MINUTES.

[Printed in Dr. Lamb's "Documents."]

xxvii° die Maii, 1572, coram reverendiss. Dno. Matthæo Cantuar. Archiepo., Dno. Edmundo Eborac. Archiepo., et Dno. Ricardo Eliensi Epo.

On which daie the said most reverend fathers sitting to hear diverse controversies betwene the masters and heades of the Universitie of Cambridge on the one part, and the masters and regents playntife on the other part, the said parties appearing before them, the said most reverend fathers injoyned the said parties to appear before them on Friday next, between one and ii. in the afternoone, in Westminster churche, there to here and determine between the said parties.

At which tyme it was decreed that the said masters and heades of the Universitie shall have the copie of the articles of complaynte exhibited by the said procter and others, to answer to the same accordingly.

Item, at the same tyme there was delyvered to Dr. Whitgift, Perne, Maie, and Caius, the first originall copie of their greifes.

Item, there appeared of the complayners onlie the junior proctor Mr. Puresie and Mr. Browne, and were willed to

bringe their senior proctor Mr. Beckon and others with them against iii. or iiii. of the clocke on Friday next at Westminster.

THE OBJECTIONS AGAINST THE STATUTES.

[Printed in Dr. Lamb's "Original Documents."]

The grevances of the bodye of the Universitye for the alteration of the auncient priveleges and customes by the new statutes, with the reasons annexed.

XXXIV. De electione procancellarii.

1. The free election of the vice-chancellor was the especiall meanes to cause masters of howses, in their great autoritie which they had before, to favour learning, vertue, and reward men, both abrode in the Universitie and at home in their colleges, that they might be thought worthy, by the judgement of the body, to be preferred to that credite.

2. It is contrary now to the olde statutes and custome so long continued, whereunto the devisours hereof were sworne both to observe them, and not by any meanes to impugn them, or to consent to the impugninge thereof, under any pretence, *directe vel indirecte*, *clam vel palam*, withowt the consente *majoris et sanioris partis regentium et non-regentium*. And yet by them it is brought from a general election to a small and slender choise of tow whom the masters of houses shall put up.

3. And in their putting up of tow their dealing is such (as we have experience ever synce these statutes tooke place, which is but tow yeres), that of this small choise they leave in effecte no choise at all, ether the one of them which is putt up dealing earnistly against himselfe, and most of the masters of colleges with him labouringe importunately for the other; or els putting up such an

one, as some of them have not doubted, immediately after in requesting of voices for the other, to saye, him of all men in their judgement to be most unfitt for that office; and for that there were but tow regents and non-regents in his howse, he was thought most unlike to speade, and not one master of any college gave with him at the election. So they dallye with their owne othes and ours, and trouble the whole Universitie to be thus called together for no purpose.

4. Beside, whereas to make a fair shew and appearance of well meaning, the wordes of the statute be, *convenient omnes coll. præfecti*, which are præsupposed to be xiiii. wise, grave, aunciente men, they, excluding by their interpretation præsidentes in their masters absence (contrary to the olde statutes and custome from tyme to tyme), doe meete commonly five or sixe, and those especially which were the penners of the new statutes, and whom *major pars* of them, *non habita ratione numeri totius, sed plurium in signandis duobus*, doe pricke, they are putt up. So that in very dede tow or three doe always appointe the vice-chancellor.

5. As this fourme of election is præjudicial to the whole bodie, so is it most injuriouse to all other auncient doctoures of what profession soever, which, both by our statutes and continual custome, and also in all other universities, have the præeminence, and in consultations are cheefe for the regimente thereof.

6. And whereas the cause of this chaunge is pretended the avoiding of contentiouse and importunate labouring, it is now so much increased, with both entreating and threatening, with sending of ringes, and such intollerable sute, that it may be an evidente argumente from whence formour contentiouse and importunate labouring proceaded.

7. And whereas the vice-chancellour, with a justice or tow of the Universitie, have autoritie by the last acte of

parleamente to license a purveyoure within the compasse of five miles, the assurance of the vice-chancellour alwayes at their appointmente moved five or sixe to make a sale of the acte of parleamente contrary to the statutes in that point, *nihil alienandum sine consensu majoris et sanioris partis regentium et non-regentium,* and the whole bodye crieing shame thereof, before we knew our chauncelors pleasure therein, whose careful travaile and autoritie had procured it to us, to no small sclander of the Universitie, and to the confirmation of their forespeaking, which in their importunate sute against us in the last parleamente tyme were wonte to object, that the privelege was so busily sought for only to make a peece of money of the countrey, to be distributed at the pleasure of masters of colleges; the conclusion of which sale cost the Universitie almost vi*l.*, although (as it is credibly reported) there was offerre made of tow hundred marks before the statute was so hardly passed.

XL. De nominatione et electione lectorum et reliquorum officiariorum.

1. For lectures, it were reason that the regents, which know the fittest beste, as having dayly experience of their learning by hearing their exercises, should allow or refuse; and yet *alter eorum quos præfecti nominabunt, et non alius, eligetur;* whereas before the vice-chancellours and proctours did propounde; and yf the bodye once or twise did mislike them, other then were by them propounded againe.

2. Besides some masters having the greatest stroke, and being able to draw the rest with them, doe injurye other howses by making almost all lecturours of their owne, as this last year three of the foure ordinary lectorers were of one howse.

3. To this statute they have restrained by interpretation the election of the oratoure, although not named

amongst the rest. Of whose choise the first institution doth geve such charge, that whereas in all other offices, yf one of the howse be a sutor for a publike office, the greatter part of masters of artes of that college may inforce the rest ether to suppress their voices or geve with him of whome the greatter parte have determined, in this office their determination maye not be præjudiciall to the libertie of any mans voice. The wordes be, *proviso semper, quod sit libera facultas et libertas summa eligendi quem volent, neque arctentur per determinationes istas communes collegiorum.*

4. To this statute they may by interpretation bring the election of the chauncelorship, or what otherwise pleaseth them.

5. Moreover, in all these elections, either they may have all at their assigninge, by putting up one likelye to speake with another unlikelie, or els encrease contentious labors with much displeisure conceived of ether parte, by reason of open scrutiny, if two be propounded of the fittest.

6. The end of this statute is to make all men obnoxious unto them, and little to regarde the rest of the body; so that the auncient estimation of the regentes and non-regentes is both injuriously distanced of a few masters of colleadges, being without the bodie in effecte hable to doe all thinges, and carelessly regarded of all inferiors, being in no respect hable to displeasure them or to hinder them.

XLI. De capite in quavis congregatione per annum eligendo, etc.

The accustomed choice of the head was in the election of the bodie every congregation, saving in two or three sett assemblies, for that sum men peradventure of preposterous affection might staie such graces as the wholl Universitie knew worthie of prefermente; and unles it was for that D. Pearne, Baker, and Porie, weare sumtimes denied by the bodye to be in the head, we knowe no great reason of innovacion of so auncient a custome; whereas nowe the

head is bothe certaine for everie congregation and continuing the whole yeare, and most of the heades be masters of colleadges: wherebie it falleth oute that nothinge can passe all the whole yeare whereof they mislike, or anie one of them. Insomuche that experience alreadie hath proved, that sum one of the heade minding to further sum unworthie staied by others, have nipped all graces for that congregation, and threatened to continue so the whole yeare unles he were preferred. So that whosoever (though most unfitt) can make one of the heades his sure frend, he is sure to proceade, or els have all other fitt men staied with him. And against whomesoever anie of the head shall, either by himself or anie others procurement, conceave a misliking, he is owte of all hope of proceading that yeare.

2. The naminge of fifteen, the vice-chancellor and proctors eche five, is onlie for a shewe, in effecte nothing; for comonlie whom the vice-chancellor name, they are sure to be chosen: as also the assistance of the doctours in choosing, whoe seing themselves adnihilated in all other affairs, and hable to do nothing therein, absente themselves of purpose. And the scrutators, being by sum masters of colleadges importunate suite referred to that place, conforme themselves to do as they see the masters doe before. Then indede and by experience the whole assigninge of the head remaineth in a fewe; for herein also hath that former subtile dealing place, *eligentur in quos plures numero præsentium consenserint, licet majorem partem non faciant vel æquent, si ratio habeatur totius numeri.* And if in three scrutinies they consent not, the vice-chancellor and two senior doctors, or one of them, appointe the heade for that yeare.

3. And *senior illius facultatis qui absentis locum tenebit,* they interprett onlie him which hath taken degree, or by license doth practise in that facultie, whereas all burdens of publique disputations lie upon those which are admitted

in anie house to the studie of that profession. But the ende is, whatsoever be the head appointed or of them whosoever be awaie, they will be sure of the greater number of themselves; for then must *senior cujusque facultatis a cancellario evocatus* supplie the place.

4. Besides the former authoritie of staieng and preferring whatsoever they will for the whole yeare, the especiall drifte of choise of this heade is the frustrating of appellations, the onlie defence of the bodie from injuries in so great jurisdiction; for whereas the procters before, in the respect of redressing wronges, had autoritie to name the delegates, and then the bodie the allowing or disalowing, now the head appointe the delegates, and the masters of howses choose the heade, and the vice-chauncellor, with masters of howses, are commonlie parties in all appellations, as from whose unjuste sentence appeale is made. So when they offer wronge, and they themselves appointe judges to redresse that wronge, it is to true which Livie writeth in the state of decemviri: *Si quis collegam appellaverit* (meaning Appius judgement), *ab eo ad quem venerit ita discessurum, tanquam pœniteret prioris decreto non stetisse.* And as for the procters joyned with the heades in naminge delegates, it is but a showe to no purpose, as doth appeare.

5. And if thuniversitie mislike the delegates propounded by the head (as it is likelye they will put up such to bring the whole jurisdiction to themselves), *post tertiam petitionem septemviri*, themselves have the full appointing of the delegates. And both in naming to thuniversitie and determinate appointing themselves of the delegates, the . . . . . *Licet habita ratione totius numeri majorem partem vel æquam non efficiant.* So that still . . . . . these especially which penned the new . . . . The forfaite of the first appeale by oulde statutes was xii*d.*, of the seconde xviii*d.*; now the forfayte is xx*s.*, and the procters

have iis., and the seconde appeale is cleane taken away, so that poore schollars injured cannot appeale, having not xxiis.; and there is so little hope of redresse, the appointers of delegates being parties with the vice-chancellor, that they were better lease there first cause, then afterward with cause there monie also.

L. De ordinationibus collegiis præscriptis.

1. These few words [*in omnibus et singulis electionibus tam sociorum tam scholarium, etc. etc., necessario requirendus est magistri coll. assensus et consensus*] overthrow all private statutes in most colleges, and is an intollerable injurie,—to establish the masters tyrannie, to cause him to contemne all his fellows, to foster and accustome students to servile flatterie, yf they minde to obteyne such præfermentes in howses and abroade as fall to them by domesticall statutes.

2. The master of Christ Colledge is sworne nether to procure nor use procured this negative voice, and yet hath openly uttered that he was privie to the devise of these new statutes, and hath saide he wolde use yt at his pleasure.

3. The greate inconveniences and shameful abuses of this negative voice hath alreadie fallen owte both in leases and elections, to the breach of statutes and discouragement of all men, which may not be reported withoute warrauntise, for feare of the daunger ensuinge.

4. Besides, whatsoever the præsident, with the seniors or fellows, in the masters absence, lawfullie conclude accordinge to private statutes, the master, at his retourne, yf he myslyke thereof, will revoke yt by the force of this negative voice, at his pleasure; so that thinges donne are as undonne, yf the master please: whereof there are sufficient proofes, yf men maye safelie declare them.

5. There is no hope lefte of removing anie master, papist,

spoiler of the colledge, or whatsoever; because nothing doone can be of force withowte the masters consente.

6. Moreover, his negative voice is præjudiciall to the æstimation of the University, easpecially the authoritie of likinge or mislikinge of proctors and taxors, wreasted now from the bodie to the masters howses.

7. This negative voice may wringe anie man oute of his fellowshipp at what time by private statutes he is bounde to take anye degree; whereof attempte hath already been made.

8. And althoughe some masters before, in some matters or all, had negative voices, yet the abuse thereof now sheweth ytself more playnelie by reason of there common and sole authoritie in all matters abroade; wich causeth most men careleslie to neclect there dewtie, or to seeke to please them in their securitie, or to consulte of leaving there place in the University.

Judicandi potestas.

1. Whereas before the judgement of the sufficiencie of the proctors and taxors was in the greater parte of the regents, everie mann givinge his voice upon his othe and dewtie to the Universitie, wich was a bridle that masters of howses in there combinations durst not but præferre the worthiest, for feare of the Universitie; now the masters of colledges have drawne to themselves the authority of allowing or disallowinge of them upon anie exception made; so that yf anie injurie be offered at home, there is now no hope of redresse abroade; and they may either displace anie man, yf they take displeasure agaynst him, to the injurie both of the howse and partie, though he be never so fitt, or els bolester and maynetayne one whom they like, never so great inhabilitie objected agaynst him.

2. We are bound by our othe and statute to choose *ætate, prudentia, eruditione dignissimos*, to the best conn-

tenance of the University; and yet we must choose him that is putt up whatsoever, *et non alium*.

3. Whereas before by auncient statutes the doctors and proctors did assist the vice-chancellor in corrections and judgements, now they have no place nor anie thinge to do. And whereas yt was lawfull, upon greate and necessarie considerations, for the orator to come to anie consultation though not called, the vice-chancellor signified unto him that he had no such privelege by the new statutes, and therefore he was sure the heades wold not suffer him to be there presente amongest them.

4. And commonlie, for maintenance of there extremyties, they will say they do yt, not as vice-chancellors, but justices of peace, and therebie refuse appellations to the bodie: so that we know not under which jurisdiction we live, and libertie of appellations is wreasted out of our handes by there oppression.

Potestas interpretandi.

1. *Authoritas interpretandi* is by an olde statute *in majore et saniore parte regentium et non-regentium;* but nowe it is brought to the masters of colledges.

2. First they interprete presidentes of howses in there masters absence nether to have authoritie to conclude anye thing at home by private statutes, nor to have anie place in common consultations, elections, or interpretations belonging to the masters of howses abroade; contrary to all auncient statutes and custome, and veary prejudicially to the wholl Universitie, and those howses whose masters are comonly absente: and it is a cause that foure or five masters do alwaies what they lyst. The greate inconveniences hereof are to be considered in the election of the vice-chancellor 4°, in the chosing of the head 2°, and in the negative voice 4°, and most of there other doings. And yet whereas masters be bounde twyse a yeare to exhorte

their howses to the studie of divinitie, they can be content to let their presidentes supplie their places.

3. *Inhibemus ne duo magistri eodem tempore disputent, aut duo baccalaurei respondeant, nisi alter eorum variaverit:* heare then they interpreted *alter eorum, id est, magistrorum;* which is nether so appliable to the literal sense, nor yet to anie purpose (all dispensations, upon what necessarie cause soever, taken awaie, and bachelours sworne before their admission that they have done all there acts), and a hinderaunce for the bachelours actes, for whose benefit it seemed to be provided. And yet of those eyght names subscribed to this interpretation, Dr. Kelke denied flatly that he was there; Dr. Binge said he was there, and misliked it, and therefore suppressed his judgement, and founde faulte that his name was subscribed; and Dr. Pearne said, he thought by that statute that bachallours might varye.

4. *Senior illius facultatis* 3°, in the choise of head the interpretation thereof is there apparent contrary to that olde saying, *Cujus onus ejus et honos.*

5. *Nemo galero utatur nisi ægrotaverit:* now their interpretation will allowe no man to be sicke, unles he be owte of commons at home in his howse. Alas, a greate number, of as well masters of artes as others in some colleges, have byn longe sicke, and only susteyned by ordinarie commons, having not wherewith otherwyse to releve them selves!

6. And whereas those which weare founde regentes at the newe statutes first reading must continewe soe till fyve yeares expired, to put one (whome they misliked) by the scrutatorship, which was veary likely to have ben scrutator, and to conclude hym regent, dyd interprete the five yeares to ende, not at the commencement as custome hath beyn, but at the beginning of Michellmas tearme next following.

7. Makethe that no man can accompt himself owt of danger, seeing their interpretations passed are neither redd

to the body, nor regestred in the proctours books, but decreed and determined so secreatly that men are in daunger of breaking them before they knowe them.

8. Hath already bred a flatt contempte of many olde statutes, as was shewed 18° Aprilis last past.

9. But comonlye there saieng is, We are sure it was ment soe, when upon no other reason they can ground their interpretations. So the authoritie of the election of the vice-chancellor, and all other offices and preferments in the Universitie whatsoever abroade, with the choice of the heade, to the assured hinderaunce or furderance of whatsoever misliketh them, and frustrating of appellations, and the absolute jurisdiction of the negative voice in all publique and private affaires both at home and abroade, besides the power of liking or misliking the proctors and taxors whome they do not directly choose, and interpretation annexed,—all these being derived from the bodye of the University to the masters of colleges, doe abrogate all oure anciente priveleges, and taketh away all freedom of our voyces, which are given upon our othes, and establisheth an unreasonable jurisdiction, and furthermore (as some masters of howses judged), will be an overthrowe and decaie of learning in the University in a fewe years.

The insolencie of this authoritie hath caused some masters to revile regents, both in the regent howse and other open meetings, tearmynge them marchantes and seditious, with other opprobrious names, threatnyng if they misliked theis newe statutes they should have worse. Whereas the olde statute doth so moch attribute to the credite of regents and non-regents, that such an injurie shewed to one of them in the presence of the vice-chancellor, and not redressed severlie by him, should, by the proctors calling a congregation, in despite of the vice-chancellor, and appointing delegates, be redressed. And whereas the olde statutes give that privilege, *ut si magistri regentes vel aliquis*

eorum contra procancellarium colluctentur, eorum causa per delegatos ab academia terminetur, ut omnis timor subornationis absit, tam procancellarius quam taliter rebellans discedat. And the queens majesties injunctions do restreyne the vice-chancellor for committing any gremialls to prison without the consent of the greater part of masters of colledges, the newe statutes give the vice-chancellor absolute authoritie to send masters of arte to prison at his pleasure. And therefore the first word now commonlie is, To the Talbot with him; as by diverse examples is to be proved.

Yea, and moderators of publike disputations exercise the like authoritie, by vertue of their justiceshippes, in publike disputations in the scholes; for whereas Mr. Hanson, jun. of Trinitie College, disputinge, found faulte that the answerer, if he would lose iis., neded not propounde his questions before he came to dispute, whereby the replier should be forced either to dispute coldly, *ex tempore*, with shame, or els by neglecting his dewtie incurre punishment, D. Chaterton by and by burdened him with speaking agaynst the newe statutes, and cried out, *Statim mittam te ad carceres, statim, jam, jam!* and so in a heate brake up the disputations, flatt contrarie to statutes, and to no small wonder of all the by standers.

The withdrawing of graces for degrees and all elections from pryvate to open scrutines is inconvenient many waies.

1. Men dare not give theire voices according to their conscience, for feare of displeasure; and not without cause; for D. Whitgift in a scrutinie, some gyvyng theire voices simplie and freely, was exceedinglie moved, and called for pen and ynke to write their names, thinking that with so terrefying of them, they wold for feare give as he would have them.

2. It is the cause that most present at congregations yet give no voices at all, to the prejudice of the Universitie,

as experience hath already proved; for the last congregation the last terme, xx^ty non-regents being present, onlie sixe came up and gave voices; and yet it was pronounced *placet eis*, contrarie to an olde statute, which denieth it to be a congregation under ten. And the ii. doctors and ii. masters of arte came up to give voices onlie this tearme the sixt of Maie, there being present in the regent house threskore, and were by the vice-chancellors commandement allowed as sufficient; and so some withstode to be admitted masters of arte wher therupon admitted, whereas before in pryvate scrutinies all were wonte to give their voices, yea, or no.

3. And whereas in colleges the greater parte do commonlie allow of graces, yf the master incline that waie, others which gave against them at home for their unworthiness are, by means of open scrutinie abroade, restreyned either to give with them contrarie to their conscience, for feare of mulcte by domesticall statutes, or the masters heavie displeasure, or ells hold their peace and suppresse their voices, to the prejudice of the University.

4. And whereas the masters of houses in all graces of importance, by importunitie of request or halfe commandement, do cause diverse half to promise them, this opening of voices enforces men, agaynst their othe and mynde, to give their voices according to their masters request or commandement, for feare of his heavie indignation; as did most evidentlie appeare at the last election of scrutators, and is the especiall cause of wynnynge the senior non-regent, with the scrutators, seinge he is or maye be alwayes a master of some college.

5. Besides, men, when they come to give voices, do openlie vewe the nomber of voices either wayes; which is an evill temptation (unles they be well and godlily grounded) to make them follow the greater sorte.

6. And the choise of lecterours (one set agaynst another) doth set all the scholes on importunate suites.

The senior non-regent joyned with the scrutators.

1. Is not sworne.

2. In anie matter of weight may or wilbe a master of some house.

3. Discrediteth the scrutatours sworne and not trusted.

4. Causeth the scrutinie not to be secrete, but all thinges therein opened, that the masters of colleges may understande of the manner of dealinges in all matters.

The execution and diligent observance of the old statute is more reasonable and pecable every waie.

Statuimus quod in dispositionibus faciendis pro admittendis ad statum magisterii vel baccalaurei in quacunque facultate, nullus magister votum suum ante depositionem illam nutu, verbo, aut signo, tacite vel expresse, cuique exprimat aut revelet, aut super his cum aliquo conferre præsumat.

Procuratores quamlibet gratiam petendam privatim scrutari teneantur, et pro secreto habere, tam scrutator quam scrutatus. Alioqui ab omni gradu magistrali, beneficiis, et honore ejusdem Universitatis suspendatur, quousque gratiam a majore parte regentium obtinuerit.

Scrutatores gratias petere teneantur eodem quo procuratores modo.

The order at the commencement worse than before.

1. Before philosophye beyinge first brought in, strangers came at the beginning, and divinitie beynge last made manie continew there to the ende, to a greate shew and settynge oute of the whole commencemente.

2. Now, divinitie being first will either cause men to go away before philosophie (which makes the chief showe of the commencemente) be handled, or els men will be gone as soone as philosophie, to the utter defacinge of law and physicke.

3. The lawe and the physicke actes (by reason of the shortnes of them, which is but an howre a peace,) are poasted over so slenderlie, that no man delighteth to heare them; whereby they shall dispute alone without auditors, to no smale discountenancing of the commencement, and no little discouraginge to the disputers to take anie paynes therein.

4. It is not seeming, that after most grate and weighty matters, others of less weight and more tryflynge should be handled.

5. It is veric undecent that law and physicke, making the least showe, should be reserved to the last ende, seinge in all matters which are sett oute for showe, the setters oute thereof do always reserve to the last place suche matters as seeme most glorious and maketh the bravest show, less their doings should appeare tedious to the lookers on, and the authors thereof seeme *tanquam inertes poetæ in extremo actu claudicare*. And this decorum was so muche the rather to be observed at our commencements, for that the greatest parte of those which come to yt do understande little or nothinge, but are onelie delited with the solempnitie and showe of the matter.

Dispensation taken away

Wilbe very injurious and hurtful this yeare to a bacheloure feallowe of Christes Colledge; for by pryvate statutes (admitting no dispensation likewise) he must eyther proceede this yeare or lease his fellowshippe: and by the new statutes all dispensations beynge cleane taken away, cannot be admitted master of arte before he have done all his actes, which he is by no means able to performe, by reason of an extreame sore legge he hath; and yet he is both an honest vertuous yonge man and very well learned.

The new statutes imperfect in themselves.

1. Capite septimo. *Jurabunt singuli magistri artium in comitiis suis de regentia sua per quinquennium retinenda, et cursum disputationum toto hoc tempore servando.* And agayne (cap. 25°), writing of masters of artes disputations: *et singuli magistri artium ad eas* (meaning philosophie disputations) *cogentur, quoad quartum post inaugurationem suam annum expleverint, post quod tempus inter theologos, jurisconsultos, et medicos disputabunt.* The first place bindinge masters of arte to philosophie disputations five yeares, the other but foure.

2. Cap. 23°. *Baccalaureorum disputationes fiant die Veneris a nona ad undecimam; si nulla tunc fiat magistrorum disputatio, tunc enim fiat ab hora prima ejusdem diei usque ad tertiam.* And agayne (cap. 25°), *magistrorum artium disputationes erunt singulis diebus Lunæ, Martis, Mercurii, Jovis;* no mention made at all of Fryday, as in the other.

3. *Inhibemus* (cap. 25) *ne duo magistri eodem tempore disputent, aut duo baccalaurei respondeant, nisi alter eorum variaverit.* This whole sentence is made superfluous and to no purpose by there interpretation, as is to be found under the title of *Potestas interpretandi* 3°.

4. Cap. 32°. *Procancellarius erit moderator et determinator theologicæ disputationis in comitiis.* And agayne (cap. eod.), *rector theologiæ, etc. regius cathedram teneat;* which sayinge inferreth the contrary to the other.

5. Cap. 35°. we are tearmed to choose proctors, and (cap. 37°) to chose taxers, *in quem major pars præsentium consenserit;* and yet no man may give agaynst them; for (cap. 35°) these words be founde, *eosdemque sic præsentatos et nominatos regentes eligere omnino tenebuntur.*

6. Cap. 8°. *Magister artium, etc. bis disputabit contra theologiæ baccalaureum, etc.*, before he may be bacheloure

of divinitie himself; whiche nether can be kept, by reason of the paucity of bacheloures of divinitie, the cause whereof is the seven years limitation after they be masters of artes, neither hath it beene observed in any one synce the newe statutes first came; but it is holden sufficient, yf they have disputed twise agaynst anie non-regent.

7. Cap. 41°. *Illud autem omni diligentia, etc.*, where a longe exhortation is made to move men to choose to all offyces suche as be most fytt, *ætate, eruditione, gravitate, et prudentia*, is nowe altogether superfluous, because all elections be now cleane taken from the body, and derived to the masters of houses.

8. Cap. 50°. *Nemo in collegium aliquod theologorum admittatur socius, nisi sit actualis baccalaureus artium:* this statute is injurious to the Kinges Colledge, and contrarie to kinge Edwardes and this queenes majesties injunctions, which in the same clause excepted the Kinges Colledge.

ANSWER TO THE OBJECTIONS.

[Printed in Dr. Lamb's "Original Documents."]

An answere to the pretensed grieffes of certeyne of the bodie of the Universitie, for the necessarie and profitable alteration of certayne priviledges and customs greatlie abused by divers of the foresaid bodie, the which be reformed only for the advancement of vertue and lerninge, and the mayntenance of good ordre, set fourth by the queens majesties authoritie, and publikelie redd and generally received by the whole Universitie with great quietnesse, until these two proctors, Mr. Beacon and Mr. Puresye, entred into their offices.

The election of the vice-chancellor.

The masters of colleges neither were nor have any occasion to be desirouse of that office, the which is so paynfull and troblsome; neither have the regentes, especially in this licentious tyme, so much respect of the worthynesse of the

personn as theie have to labour by all meenes possible agaynst such as theie thinke will execute statutes, and [not?] beare with their licentiousnes and disordre; for the whiche causes it is to be feared, or ought longe, that wise and grave men (if theie shall not be well assisted by those that be in authoritie) must be rather enforced to take the same office, then theie shall ambitiously by the pleasinge of younge men seke the same, the which is arrogantly objected by these complaynours; neither is he worthie to be master of a colledge which seketh to please his company for an office sake.

The causes of altering this statute.

1. At the tyme of the makinge of thold statute, theie were allmost all regents that were of all degrees in the Universitie, and that auncyent men for the moste parte; but nowe theie be not only younger in age, but more youthful and intractable at this daie then theie were wounte to be in tymes paste.

2. It is thought very mete that he that should be the heade of the regentes and non-regentes shoulde be chosen by them both, and not by the younger sorte of regentes only, according to thold statute, the which younger sorte do daylie encrease more and more.

3. To name twoe mete men in the whole bodie of the University, whereof one shoulde be chosen, was thought very necessarie, both for thavoydinge of great contentions and factions, labor, and the practise of diverse that have subtillie gone about to preferr very contentiouse persons, and to put awaye the ambition of some and the inhabilitie of other some desirouse of that office, cheiflye for the mayntenaunce of disordere; and if there should be anie more sett upp then twoe to the regentes and non-regentes, we all knowe by good experience that it would be very harde to have anie quyet election at all: such is their prac-

tises for the defetinge of elections declared of late, that it will be impossible to have anie election at all, if there were anie more propounded.

4. For the which causes it was ordered by injunction in tymes paste, that there should be twoe only sett upp for the office of the vice-chancellor.

5. The heades of the colledges being fowerteen in nombre, and havinge the cheif charge and care in government, do best knowe whoe are most mete for that office, whereby they are greatly assisted for their better and quyet regimen of their severall colledges.

6. Other doctors of the University be either for the most parte absent for their private commoditie, or els, being present, have not so muche care of good government as apperteyneth, because theie have not any charge but of themselves and of their famylies, and some of them often led by synistre affection to gratify the younger sorte, inclyninge to licentiones and contention.

The answer to the seconde objection.

1. We are persuaded that there is no such auncyent statute in the Universitie of Cambridge, given ether by pope, legate, or anie subject of this realme whatsoever, but that the queens majestie, uppon good consideracions, may by her majesties ryall authoritie alter and chaunge the same, notwithstanding the othe of anie that is bounde for the observing of the same, forasmuche as *in omni juramento semper excipienda est potestas majoris;* and we do think yt is the duty of every good member of the Universitie to procure such statutes as may be moste to Godes his glory and the good government of the present state, notwithstanding any olde custome or statute; or els diriges, masses, and other intollerable superstition, should as yet have remayned. We marvayle that these men have so forgotten their duties to their prince, that they dare object perjury

to such men as most humblie seke to her majestie for due and spedie reformation of any wicked disordre, and the restrayning of licentiousnesse, whereby great commonweales have not been only corrupted but also overthrowne.

3. This article is for the most parte untrue and very slaunderouse; and we desire that we may have justice against them. In all these twoe yeres there was not put upp by the heades but these: the first yere, Dr. Perne and Dr. Whitegifte; and the seconde yere, Dr. Kelke and Dr. Whitegifte.

4. The daye, howre, and place, when all the heades are bounde by statute to mete for the nomynatinge of twoe to the vice-chancellorship, is appoynted certenly by the said statute, and therefor theie maye and are bounde all to be there present. The presidentes are secluded, because the moste parte of the colleges have no certeyn presidentes appoynted, and divers that do come in the name of presidentes be as younge and as factiouse as the rest. The rest of this article is untrue.

5. There is neither doctor, bachiller of divinitie, or master of arte, but he maye be put upp for the vice-chancellorship, if he be thought worthie and mete for that office; neither is there anie thing in the queenes statutes to the contrary; neither hath anie as yet, sithence these statutes, been omytted in his course: and we thinke verely that in shorte tyme we must be compelled to nomynate some other to that office, for the masters of colleges which have had yt be so weary of yt, for the disobedience of this disordered body at this tyme, excepte these promoters of factions may receive due correction, that other may attende their studies hereafter with more quyetnesse.

6. This article is very false and slaundersome; and yet, if there were anie labor, it was only to stopp their subtil and maliciouse practises, the which in this last election of the vice-chancellor was by these two proctors and others

especially devised to make the election frustrate, and so the deluding of the queenes majesties statutes. The former contentions and labors were most commonly by factiouse regents for unmeete and unfitt men, and for the moste parte the labor and sute contynued halfe a yere before the election, with greate spight, bitternesse, making of factiouse charges, and losse of time, which could have been spent in lerninge; which all mouvements nowe are cleane cutt off, and the Universitie certenly and quyetlie provided of a good offycer.

7. This article is untrew; only there was so much offred very honorablie and friendlie by the Lorde North, for the great and good will that he bearith to my Lorde Burley and unto the Universitie, and, by the consent of the gentlemen in the country, to certeine of the heads of the Universitie, wherewith theie were content, yf my Lorde Burley should like of it, and not otherwise; neither hath that offer hitherto been confirmed, or anie thinge therefore received, but remayneth in the same estate that yt did at the making of the acte.

De nominatione lectorum, bedellorum, stationariorum, etc.

1. Before this statute, the vice-chancellor only or the proctors did nominate the lectors, and most commonlie there was great and longe contention betwixt the vice-chancellor and the proctors for the nomynation of them; nowe every master of a college, whoe best knowith the worthiest of his companie, nameth one; and owt of the whole nombre twoe are chosen by the moste parte of the heades of every lector, to be propounded to the regents and non-regents, whereof theie elect one, which theie thinke moste mete. And by these meanes the intollerable labor and parciallitie in the preferringe of unmete men, and the corruption of officers, is taken awaye; and besides this the election is ended at one meetinge, which many times before

requyred six or seaven scrutinyes and divers congregations for the election of one officer, as we have had experience in divers vice-chancellors and proctors tymes, in the which tymes theie could not agree together of anie mete man, until he had received of him so much as theie thought mete.

2. There was non of those three persons but were worthie, and were allowed both by the heades and the regentes and non-regentes. The statute ytselfe is most indifferent and equal, seinge that every master may name one whome he know most worthie of his owne colledge; yf it please them to preferr more of one colledge than of another, the colledge is not to be envied, because yt was at that tyme for the worthynesse of the persons favored more than other; for there was at that tyme three of other colledges put upp with them, whome the Universitie might have chosen, if theie had pleased to have thought better of thother then of them, for readinge of those three lecturs.

3. The forme of the electinge of the orator is uppon the foresaide juste considerations brought to the forme of the election of other officers uppon the same considerations; and he that is nowe orator (who is the capteyne of the headlesse bodie) did shewe himselfe to be chosen by this forme when he was chosen; and if anie offence be made, it was for chosinge of him. The rest of the article is untrue.

4. This article arguethe their ignorance in the statutes, for there is a particular statute *de electione cancellarii.*

5. These be but surmyses proceedinge from evil stomackes. As for the open scrutinies, theie have been wished by wise men many a daye agoe, as a thing most necessarie for thavoydinge of perjurie, or the suspicion of perjurie, and untrew dealinge of proctors and scrutators, and the dubble dealinge of divers other persons that give their voyces; otherwyse the proctors and scrutators maye say *placet* and *non placet* at their pleasure, whatsoever all the

residue shall privately saye in their eares. Besides this, all locall statutes, in most of the colledges, in their elections requyre open scrutinies, whear twoe or three stand in the heade, to receive the voice of every particular man. No man that meaneth well would fynde faulte with this good and indifferent ordre.

6. Honest, learned, and quyet men be as much esteemed as ever theie were. Contentiouse, disorderly, and disobedient persons be not so much discouraged and kept under as theie should be; yf anie estimation be taken from divers of the regentes and non-regentes, it is because their gravities and behaviour is not as yt ought to be, nor as heretofore it hath been seen in others. As for obnoctiousnesse unto the heades, it was never farther to seke, and their contemninge of their superiors maketh them likewise to be dyspised of their inferiors. To conclude, there hath been no tyme in our memory wherein the masters of colledges could do less with their company than theie can do at this tyme, and therefor this article is against themselves. Lett them shewe their particular injuries.

De capite in quavis congregatione, etc.

1. The nomination of the heade to the regentes and non-regentes was wounte to be in the vice-chancellour, or the proctors only, and in every congregation theie made the heade of suche persons as yt pleased them, and as might best serve for their purpose and private commoditie; nowe the nomynation of the heade is in the masters of the colledges, all the doctors, scrutators, and proctors. The vice-chancellour first namynge five, the senior proctor five, and the junior proctor other five, so that theie name of every facultie three; owte of the which fifteen so named by the vice-chauncellor and proctors, the heades of the colledges, the doctors, and the scrutators, do electe five, which be in the heade the whole yere with the vice-chauncellor, for the

admission of all graces and grauntes before theie be propounded to the regentes and non-regentes; of the which five, one to be a doctor in divinitie, one a doctor of lawe, and one a doctor in phisicke, one non-regent, and another regent; and this was done to advoyde the corruption as well of the vice-chauncellor as also of the proctors, whoe were wounte to nomynate such a heade as might best serve for their humor and commoditie. Let them shewe anie worthie man stopped of his degree by anie master of a colledge sithence this statute; yf there hath been any such staied, it hath been either by the regentes or non-regentes. It is a most untrue and enviouse surmyse that Dr. Perne, Dr. Baker, and Dr. Porye, should be the occasion of this statute, for that the younge men would not admytt them to be in the heade; for twoe of them, Dr. Pory and Dr. Baker, were gone from Cambridge longe before these statutes were thought on. The rest of this article is very untrewe; but it was a common practise of the proctors when they had the nomynation of the heade.

2. The first parte of this article is utterly untrewe and slaunderouse; the last parte, *eligentur*, *etc.* is most convenyent and necessarie in divers respects, to stay contention, to have mete men, and to restrayne the synistre affection of the proctors.

3. It is moste reasonable and moste indifferent. The latter parte, "The ende is," etc. fallslie surmysed.

4, 5, 6. For that the staie and quyetnesse of the whole Universitie standith in the sentence of the vice-chauncellor, which was wounte by fruvilouse appellations and not prosecuted to be greatly contemned; it is therefore nowe provided, that men shall not appeale but of just cause, so that he which appealith is bounde in 20*s.* to prosecute his appealation, to be employed to thuse of the University, the which, if he shall prosecute, he receiveth it agayne ymediatlie. And then those that be chosen for the heade for

the whole yere do joyne with the proctors in nomynatinge of the delegates, the which be afterwards allowed by the regentes and non-regentes; whereas some proctors alone in tymes past would nomynate such delegates of stomacke as would overthrowe a good sentence of the vice-chauncellor, rather to do the vice-chauncellor a displeasure, if he had offended him anie tyme the yere before, than to preferr justice. The proctors did usurpe this authoritie to nomynate the deligates after appellations, for theie had no statute to mainteine their doings therein, and therefore this statute was thus made of verie good and necessarie considerations.

The heades in private houses have an absolute negative voice in all thinges both at home and abrode, privat and publique.

1. It is verie well and necessarilie provided by the founders of statutes in everie colledge, saving in one or two, and also by the lawes of this realme, as it appeareth anno 33° Henr. 8, cap. 27, the master of the colledge, who is called *custos collegii*, should have a negative voice *in omnibus electionibus, locationibus, et concessionibus;* for there is not so much perill in stayinge of thinges as in graunting, which cannot be done without the moste parte of the fellowes, or the most parte of the seniors: yf there be anie masters that be tyrauntes, let them complaine of them by name; but if theie can name none such, then we truste theie shall receive justice for there slaunderouse speache. There is more likelihode nowe adayes that these insolent fellows, the which, without anie sufficient cause or grief, dare now come upp and compleine of their masters, and call them insolent tyrauntes, that theie contemne their masters, to whome theie are sworne to reverence and obeie, then their masters are to be accused for contemning them. These fellowes are so farre from flatteringe their masters, that they forget good manners and dutifull obedience.

2. The master of Christ Colledge is able to answer for himself.

3. We desire that they may have liberties to disclose, although this offence is not committed by using the negative voice, but in not usinge the same, if anie such be, which we know not; and if they cann declare none trulie and justlie, we desire your graces and good lordeshipps that theie may have just rewarde for slaunderers.

4. Yf it be *in electionibus et locationibus*, this is trewe and necessarie; in other matters let them shewe particulers, or els we desire as before.

5. Yf the master of anie colledge deserveth expulsion, theie have visitors to resorte unto, agaynst whose authoritie there is nothing provided in these late statutes: we knowe neither papisticall master remaininge in Cambridge at this day, nor spoilers of colledges.

6. It is no more prejudiciall then it was heretofore touching the proctors; but a mayntenance of auncient composition, which was made with great indifference of all colledges, and for a general quyetnesse, etc.; therefore it was thought good that the taxors should be chosen yerely by a like composition, for thadvoidinge of contention and ambition, which was intollerablie practised for thobteyninge of that office, which is nowe cleane cutt of; neither are theie put upp without the consente of the most parte of the fellowes or seniors, accordinge to the statutes of everie severall colledge.

7. Yf anie man have anie injurie, let him complaine. There is none other authoritie in this poynt given unto masters but such as they hadd before.

8. Let them shewe their abuses. Whie should theie now be more careless than theie were heretofore? We knowe none ready to departe for anie such cause.

Judicandi potestas.

1. Before, if he were never so sufficient, yet ennymitie might put him by, as it hath done some; now theie be put to their triall; neither doth this statute take awaie anie mans othe towchinge this election.

2. By this statute is given further priveledge and authoritie to except against anie that shall be put upp and thought unworthie, from the first day of August until the first day of October, to prove his exception.

3. The doctors and proctors have no restraunte of their former interest and auethoritie in this case. Against the orator of the University there is no statute made but that he may be present at anie grave consultations of thuniversity; but we do not doubt that Mr. vice-chauncellor hadd good occasion to be aungrie with Mr. Beacon, whoe disobedientlie and contemptuouslie refused to shewe him the register of the lettres of the Universitie, nowe last sendinge upp of letters to my lord keeper, my lord of Lycester, and my lord Burlye, which regester booke ought to remaine in the custody of the vice-chauncellor.

4. It is very requisite and necessarie that the vice-chauncellor, and others of the Universitie, should have thaucthoritie of a justice of peace, to committ seditiouse and rebelliouse persons and breakers of the peace unto warde, without anie refuge or protections of appellations, or els malefactors would trust by their appellations to procure them some other freends as would maynteine ther iniquity and deliver them from thandes of justice, to the defacinge of the magistrate, and the trouble of all that be godlie.

Auctoritas interpretandi vetera statuta academiæ.

1. Remaineth in force as it did before; but it hath pleased the prince to give auctoritie to the chauncellor and to the more parte of the masters of the colledges to inter-

pret her highnesse statutes, for that by ther wisdome and experience theie are thought more hable to do the same then the yonger sorte, whoe hath commonlie greater will then good judgement in such thinges.

2. The presidentes of colledges are not permitted to have the masters aucthoritie in the waightiest affaires of the University, for that the most part of the colledges have no certeine presidentes appointed; and divers tymes the younger fellows being wilfullie disposed, and some of them bachelours of artes, hath been sente to such consultations to supplie the roome of a president. And as touchinge thauthoritie of the presidentes within anie severall colledge, there is no newe statute or interpretation to debarr or destraine the same. And we knowe no inconvenience that hath or maie come by the same, but rather much good both to the Universitie and also to the colledges. We do not knowe anie master, beinge a mynister, when he is at home, whose dutie in exhortation is supplied by his president.

3. The interpretations made for the varyinge to be understand of the master and not of the bachelours, is accordinge to tholde practise of the Universitie, and it maketh for the better and more exercise of disputations, the which is not against the minde of the statutes; but to have two bachelours to answer at one disputation, is to bring two disputations to one; and the want of answeres of the bachelours may be verie well supplied by thincrease of more disputations uppon the Fridaies and Satterdaies, the which is not forbidden by anie statute, but hath been divers tymes heretofore accustomed in the like cases.

4. That the senior in everie facultie, being present, should be called by the vice-chauncellor to be in the heade in thabsence of him or them that be chosen in the begynninge of the yere for that purpose, is more agreeing to lawe and equitie then to take the younger.

5. The incorrigible disorder of divers, which would pretend sickness for the satisfyinge of their froward will to weare a hatt, when theie were manefestly knowne not to be sicke at all, caused us of necessitie to make this interpretation: no man that hath been sicke indeed hath been punyshed for waringe a hatt; but theie have been to miche borne withall in the breakinge of the statute, notwithstandinge this statute greveth them greatlie, because theie cannot goe in their hattes and their hoose freelie as everie man lusteth and liketh, contrarie to the queenes statutes.

6. The interpretation is true that was then made, but it is untrulie in the article reported; for this man whome theie talke of is one Mr. Browne, one of the busiest in the whole University, and one of the chiefest exhibitors of these articles. He was taxer, and therfore regent, at the first promulginge of these newe statutes, and therfore thought mete that he should so continewe so long as. (?)

7. The interpretations be regestred by the common regester of the Universitie, to whom every man may have accesse, and in the common regester booke; and there is notice given to everie man to whome anie thinge doth appertaine by the said regester, whoe is one of the bedells of the Universitie.

8. Lett them declare the facte, and theie shall be answered.

9. This is ridiculouse and childish, not worthie answere.

So these statutes of the queenes majestie were made and given of most necessarie considerations, without the which the good estate and government of the Universitie in these daies [cannot] be well maynteined, nor the bold insolencie of these and of such other in divers kindes of disorders subpressed, nor the greate and wilfull negligence of a great manie of the Universitie at this daie, as well at lectures as also at disputations, chieflie occasioned by the

negligence of these two proctors, whoe not without the helpe of those statutes be otherwise well reformed. And if that theie be offended with anie severitie or sharpnesse of wordes uttered for the due reformation of their misdeamenors, lett him shewe the particular causes that moved some to use those speaches, and it shall appeare that theie were convenient and semelie, both for the person that spake them, and for the person to whom they were spoken: by the rest of that article your graces and lordshipps maye see their intollerable, stubburne, and disobedient stomackes.

"And whereas thold statutes," etc. That statute which giveth the chancellor aucthoritie to committ anie of them to prison uppon just cause, especeallie in this licentiouse tyme, in the which theie do delight and glorie in brekinge of godlie lawes and good orders*

"Yea, and moderators," etc. He had just cause so to say; and the partie to whome he spake these wordes beinge an honest man, is sorie that he gave anie occasion of such offence in that place.

The withdrawing of graces for degrees, etc. from pryvate to open.

1. Men never were lesse in feare of displeasure then theie be nowe, and that maketh them so cockish against their superiors: that which is spoken of Dr. Whitegifte is false and slaunderouse, and he desireth his lawful remedie against such spightfull tongues. Let them prove anie to have been injured for gevinge their voices as theie list.

2. There stubbernesse and malitiouse strivinge against good lawes is the onlie cause hereof, and not the order of the scrutinie, for divers of them will give no voices except it be to do harme and displeasure; and therefore theie themselves, in these articles, do betraie there owne follie.

3. There is conscience and feare of displeasure pretended; but neither of both is. It is against all good order,

* This clause appears to be incomplete.

that where the master and companie alloweth of anie as meete for an office, or to proceade in degree, that anie one fellowe of that colledge should openlie impugne the same: this have been alwayes disallowed.

4. This article standeth onlie of surmises, and is nothing true.

5. This is untrewe; for the paper where the voices be noted in the scrutinie is, or ought to be, kept close from all men, saving from the head.

6. Experience teacheth that it staieth sute; for whereas before divers were wounte to labor for one lecture, and the vice-chancellor willing to preferr one, and the proctors another, and sometime proctor against proctor, which caused such strife that no election was made of the lecturers untill either the vice-chauncellor or the proctors were out of theire office; nowe the matter is sone and quietlie ended, as experience hath taught us, sithence the making of these statutes.

The senior non-regent joined with the scrutators.

That which is alledged against this is partlie not worthie to be answered, partlie untrewe.

The execution and diligent observance of the old statute, etc.

The old statute of asking graces by private scrutinie hath been misliked of wise men manie a daye agoe; as by Sir John Cheke and Sir Thomas Smyth, and divers other, when theie were of the Universitie; for that is inconvenient manie wayes; first, that all the voices of the non-regents dependeth of the honestie of either of the scrutators, as likewise all the voices of the regents dependeth of the private honestie of the proctors, whose pronounsing *placet* and *non placet* cannot be controlled, although the moste partie or all the howse suspecteth your unjust dealing therein: it is a provocation to make them perjured; yt worketh

much dissemblinge in those that give voices; finallie, the forgetfulnesse and evil memorie of proctors or scrutators in nombringe the *placet* and *non placet* may often tymes staie or sett forwarde a grace unjustlie. No honest playne dealinge man will be offended with an open scrutinie, which is the surest and most indifferent and trew waye of givinge of voices, without all suspicion of fraude.

The order at the commencement worse than before.

Before this order was taken for the commencement, there was so much tyme spent in the physic disputations, that the divinitie disputations were so driven of untill the last, that for want of tyme theie were for the most parte unprofitable or hurtful to the hearers, because there was not sufficient tyme given to answere the arguments that were objected against the truth before men were wearie with hearinge of other long acts or they could heare the divinitie acte. It is most mete that divinitie (being the beste and most profitable acte) should be in the morninge, when men be both readie to heare and aptest to dispute; and yt is reason that rather other disputations should be abridged of tyme then the divinitie. Notwithstandinge, the matter is so ordered by the queens statute that everie disputation in everie facultie hath his tyme. Nether have these inconveniences happened as yet which these men ymagyne. The divinitie disputation is not for a showe, but worthie exercise of great learninge in weightiest matters.

Dispensation taken away.

The hurte of one may not abrogate so necessarie and profitable a statute. The libertie of dispensinge was the onlie cause whie so many unworthy persons toke degrees, to the great slaunder of the University. That dispensation being taken awaye, all that shall take degrees hereafter

must both have their termes in the Universitie and all their actes before theie can be admitted; which indeade is against the proctors commoditie, and therefore theie take a great grefe against the statutes given by the queens majestie: but this takinge away of all dispensations maketh much for the commendation of the University and advancement of learninge.

The new statutes imperfect in themselves.

1. These statutes be not repugnaunt. For a master of arte, after the fourth yere, is bounde to the divinitie disputation, or lawe, or physicke; fower whole yeares he is bounde to the philosophie disputations. Neither is it anie inconvenience that a master of arte the 5 yere should dispute in divinitie, lawe, or physicke, though he be regent.

2. *Dies Lunæ, Martis, Mercurii, Jovis,* be ordinarye dayes of disputation of masters by statute; *dies Veneris* is not ordinary by statute, graunted by the vice-chancellor, regents, and non-regents, when theie see the other 4 disputations be not sufficient to serve for all the actes of so many as should procede master of arte, which be nowe more then theie were wount to be.

3. This is answered before in the title and article there alleadged.

4. *Procancellarius est moderator disputationis theologicæ in comitiis: regius lector in theologia* is moderator of the other divinity disputations, which be in the publique scholes every other Thursday in the terme.

5. There is no contrarietie, for there is a tyme appointed for anie to object against anie sett upp to be proctor; and if he can prove anie lawfull matter to disable him, he maye be harde with most indifferencie: if not, it is not reason that malice or displeasure should injury any mann.

6. This statute remayneth as it was before, unaltered.

7. It is not superfluouse, for it towcheth as well the

nomynators as the electors; and everie man, in due tyme, may have his lawful exception.

8. This statute was before, and is, most convenient.

REPLY TO THE ANSWERS.

[Printed in Dr. Lamb's "Original Documents."]

A replie to the aunsweres of the doctors.

To their title.

The Universitie shewed generallie their misliking, first, by denieng thankes to the queene and our chancellor; secondlie, by the former procter and divers auncient non-regents and regents metinge to consulte in waie of supplication to seke redresse, and alwaies *tacito consensu*.

The election of vice-chancelor.

1. To be preferred to a place of credit and dignitie by well deservinge, is not ambitiouselie to seke disorderlie to obtain a place of promotion joined with troubles; neither hath the bodie, at anie tyme this manie years, chosen such a one to that place which would winke at their licentiousness, but rather have alwaies inclined to men of nature seveare and most diligent in seinge statutes executed: otherwise, let them name anie to the contrarie.

2. The joyning of non-regentes in the election, the long continuance of regencie abridged, we do not mislike; and there those two first reasons are superfluous, and touche us nothing at all.

3. It is altogether an untrewe pretence that the Universitie wente aboute to chuse contentious mainteners of disorders, or any insufficient; and when the election was free and general, it was readelie ended, with lesse contention and difficulty.

4. So that not the former reasons, but the suppression of protestantes in quene Maries time, brought the choise to two. And yet, by quene Maries injunctions, all other doctors and batchelors of divinitye weare joyned with masters of colleadges, and the greater parte of the whole number must consent uppon two; and presidentes, by a flatt statute, had their masters places, as Mr. Doctor Perne can sufficiently testifie: and yet these injunctions weare taken away by this quenes majesties visiters, and the olde custome and fredome of election restored.

5. In the governement of private colleadges masters be directed by private statutes, and must not intermeddle with publique aucthoritie; and great reason it is that everie bodie should frelie chose their head; and the numbre xiiii. is brought to iiii. or v., as appeareth in our thirde article.

6. Other doctors of thuniversitie are not so to be discredited or slightlie neglected.

The replie to there answere to oure second reason.

2. *In omni juramento semper excipienda est potestas majoris.* And we do not mislike procurement of alteration of superstitious wicked ympietye, defacinge Godes glorie, onelie we shewe the statutes whearcto they weare sworne. We referre the purposed seking to chaunge them, contrarie to their former othe, to your grave considerations: sure we are they neither touche diriges, masses, nor trentalls. As for us, we severeallie acknowledge the quenes superiority, and obeye her aucthoritie duetifully, with all submission.

3. It is no slaunder to speak truthe; and we stande to prove everie word in this article.

4. To what purpose is it to appointe the houre and place, when men are and maie be absent? Everie colledge almost hath his certein president; and in his absence the senior fellowe supplieth his place. Then if all the most aunciente in everie house be judged factiouse and yonge,

it is no marvell if the rest be so termed; and though Magdalen Colledge peradventure have sente a yonge man oute, ought that to prejudice all other houses and the University? The rest we are readie to prove apparantlie true.

5. Their answere is from the matter. We knowe that masters of colleadges maie put up whome they list; and that, we saie, is prejudiciall to the bodie, which weare wonte to have their free choise, and doctors, which neither choose freelye, nor be joyned with them in the pricking of the two. And if we shall be bound to chose uppon our othe by course, and not for worthiness, we wishe to be disburdened of our othe. And we trust your honourable eares and our worthie chanceller will heare and judge of our cause indifferentlie; and yet somewhat it is oute of course so importunately to deale for one to be twise vice-chancellor together.

6. This article is true, and everie parte to be proved: onlie we desier to be resolved in this question, What factious regents labored for unfitt and unmete men the yeare before the newe statutes came in? The restrainte of contentious labour, indeade, weare to minister the vice-chancellor the olde auncient othe provided for this inconvenience, that he did neither *nutu, verbo, significatione*, gape or seke for that office, and severlie to inhibit suinge for it; thoughe commonlie, if masters of colleadges have not become suters, the consente of the bodie wente orderlie and quietlie with the beste.

7. This is collected, as other thinges, with a faire glose; for it was both longe and ernestlie sought for at my lorde Northe his hande, especially by Doctor Perne; and the gent were verie hardlie brought therto at Cambridge. And when staie was made for my lord of Burghleies consente, my lorde Northe was mutche displeased that they should procure their repaire thither, and then make delaies; whereuppon they agreed uppon the sale and fullie concluded it, eche to other for assured confirmation subscribing their

names, the lorde North and gentlemen carrienge awaie their handes, and they likewise retaining theirs, for confirmation. Whereuppon the exclamation of the whole University was suche, that our vice-chancellor saide he would not deale in receavinge the monie; and so for shame it staieth.

De nominatione lectorum, bedellorum, etc.

1. If any officers be charged of corruption and bryberie, let hym beare the blame and shame: we knowe none. And why maie not suche masters of colleges as maye commaunde all be taken with the same bayte? The rest of the articles are but bare woordes, without truthe.

2. Fewe great colledges but are furnished with dyverse hable to be readers; we disallowe not of theire worthynes: but it was carefully provided for before, that every house might reasonably be considered; and yet, in youre maner of putting upp two, howe can every house be remembered (which youe pretend), when most masters are comonly absent, and presidents, by your interpretations, shutt owt, and three, compacting together, maie so frame theire choise that whom they will is sure to speede? So houses shalbe well remembered.

3. Whether sholde the bodye affected have recourse for healpe but to the heade, and yeat is it no headles body; and if any one parte, of dutye as orator, do open the wholl bodies griefes, the rest cannot justly (unlesse they be rotten members) myslyke thereof. Yf the University in chosing hym dyd theire conscience, they dyd but theire dutie; yf they followed affection, they weare to blame. And as he refused not the whole consent of all men chosing hym, so he observed the olde custome of visiting regents, which doth not concurr with your manner of choyse. The rest is as untrue as manye vayne woordes are to no purpose.

4. The lyke statute is for the election of beadles, and

yet, by expresse wordes, they have the namyng of them; and they maye more properly include *cancellarium* under the name of *officiarius* then the orator. So that we knowe the statute, and what wee dyd.

5. It is an uncharitable surmyse to chardge the publique officers of the University of perjury, in pronouncing truly voyces comytted to them, without proffe: but as for the inconveniences of open scrutenes, they have theire severall place afterwarde.

6. It is a common sayeng and true, *honos et gratia non ambientibus plerumque opportuniora*, true vertue and pietye brede dutifull and hartie reverence, but disorderly seeking therefore by oppression. The Universitie did never more reverence godly, vertuouse, learned men; but *impotentes dominos et suspectos de religione*, or vayne tytles withowt any substaunce of learning, yt dothe bothe quickly judge and accordingly esteem them.

De capite in quavis congregatione, etc.

1. We reporte us to some of them, wheather they have not byn earnest meanes in bothe houses of removing Doctor Pearne, Baker, Pory, out of the head; but the often inculcating of corruption and brybery in moste articles dothe either savor of the lyke usage practised in such officers abrode, or some smacke accustomed at home: let suche persons be named, not concealed. To rune over the wholl statute, drawen owt at lardge into Englishe, weare unnecessary; but we are ready to prove all the poyntes of oure articles true.

2. Truthe is no slaunders: howe reasonable the latter poynt is, let wise men judge.

3. The ende is true, and maketh youe judge the other indyfferent.

Nothing doth brydle affections more, or causithe more circumspection in giving sentence, then to remember he

maie be cauled to accompte; and true justice is the staye of quyetnes eche wheare. But when men seeke to doe whatt they lyst, they will commonlye frustrate the redresse of theire injuries, which is with us appellation. What delegates chosen by the Universitie hathe not done uprightly? But where nothing but stomake is, there all thinges are done of stomake. The procters had aucthoritye before by statute to name delegates to the bodye.

The heades in private houses have an absolute negative voice, etc.

1. We find falte with the breaches of those private statutes; and in those cases wheare the master hathe no negative voice, yt is untrue that the statute alledged (anno xxxiii. Henrici Octavi, cap. xxvii.) dothe aucthorize the masters negative voyce; for bothe the intente of the wholl statute and the expresse wordes doe tende to take awaye a negative voyce from som one or moe, being the less nomber (which shold assent), notwithstanding any private statute or othe to the contrarye. So that yf before, by custome or pryvate statutes, the election of all or the greater nomber of the corporation weare good and lawfull withowt the consent of the master or head, still the same custome and private statute doth remayne in his full force, any thing in this statute notwithstanding to the contrary. We maie dutifully reverence, and yet sue dutifully for the auncient dignitie of the University, whearof they are but members with us. Manye wordes proceding of choloricke heate shewe more affection then equity of cause.

2. Oure article is true, howsoever he or any man aunswere for hym.

3. Youe knowe well enoughe every colledge hathe particuler visitors, to whome only complainte maie be made, and in suche forme and order as statutes prescribe, upon othe and present expulsions, without the warrant of the prince, or complaynt made to her owne person: other-

wayes, to many examples of inconveniences of this negative voyce might be uttered with truthe and no slaunder.

4. Yf it be reasonable *in electionibus* and necessarye, howe will theire interpretations hearein agree to their othe at home, and what force have private statutes which in the masters absence comytt their auctboritie to the presidentes and company? And in most colledges the daie of election is named and the tyme prefixed. So that heare their interpretation must either fault in the masters absence, or els no election be made. And yet wee have tryall in other matters.

6. The composition was carefully observed before, if the auncient and worthier were not hindered by the master at home, or one unfitt preferred. And triall of examples maie prove the Universitie therein to deserve rather commendation than blame. And what masters maie wring at home, and what theie dare attempt to doe (the University not now hable to overthrowe theire unorderly doinges), we refer it to your wise considerations, and D. Bakers late example; besides, by some statutes he is preciselie interdicted this negative voice in publike affairres.

7. It weare to be wished this carelesnes could be shaken of, and men were otherwise affected: but all that tender the University maie lament the causes.

Judicandi potestas.

2. What triall is it to be allowed of a fewe masters of colledges, if his owne master put him up at home? Let them shewe any one for enimity theise late yeres (whereof they so complayne) put by by the Universitie, but in the negative voyce, 6°, it is answered at large. But a shewe of a priveledge is graunted, none in deade, and our priveledge taken awaie with dalyance with oure othe.

3. All this aunswere we stande to prove in all poyntes false.

4. It was not the first intent of the graunte of justices of peace to insult upon masters of artes doing theire duty upon foolish private affections. Suche enormities as are here heaped up are to be restreyned by that authoritie; but a regent in the regent house to be commanded to the Tolbote for modestlie asking a question, or a disputer for modestlie disputinge, is an harte sore to the whole Universitie.

Auctoritas interpretandi.

1. We honor and reverence our chancellors authority and wisdome, and would wish all interpretations were referred to his judgement, who wandreth not so in affections upon particular causes. And if bothe the houses were in youth and discretion (as it pleaseth you every where to terme them), yet theie were wont to appoynte grave and wise delegates to debate and discusse the matter, and then to referr it to their consideration and confirmation.

Of the judgements in theis interpretations let wise men judge.

2. It is answered before, 4°, in the vice-chancellor; and the inconveniences apparantlie set will not be understode.

3. It is answered in half, and to no purpose, as conference shall open. Fridaie and Saterdaie the heade will not graunte. So batchelers varienges are allowed, contrarie to your interpretation.

4. It is not understode: consider the ende thereof at the choise of the heade, 3°.

5. This plausible shewe, by your misreporting, is and hath bene an especiall meanes that oure singuler patrones have conceaved not so well of the whole University. Whom have you found of late, either in pryvate admonishing or executing the statute, incorrigible? It greveth not us to have this statute moste severlie executed, but it greveth you that you have no just cause to complayne of the Uni-

versitie; and so, in extremitie, you flie to this false pretended shifte, to bring us in mislikinge. And yet you have no authoritie to make lawes, but to interpret the trewe and literal sense of the lawe.

6. Mr. Browne was never taxer but at the faire tyme, in the absence of the taxer. The interpretation was made in the erle of Oxforde his presence.

7. By statute they ought to be regestred in the proctors bookes.

8. It is apparent.

9. As childish and ridiculouse as it is, it cometh from the doctors. So the pretenses of nominations be false, the governaunce of the Universitie disturbed, *et senatus Cantabrigiensis* is at the direction of a fewe masters of colledges, who, if they had not sought themselves more than the advauncement of the Universitie, they wolde never so indirectly, by false information, have procured the breaches of our ancient pryveleges, nor thus, almost in every article, slaunderously defaced the regentes and non-regentes generally.

The rest unnamed are answered before, 4°, *in potestate interpretandi;* upon triall whereof it shall be apparente how that newe jurisdiction of the vice-chancellor is commendable and to be allowed of.

Open scrutinies.

1. Who are so cockishe, let other men judge. That of D. Whitgift we are here to prove to his face.

2. A common shift, when no glose is left to deface the Universitie; but this is true.

3. They litle knowe of the estate of the Universitie that will urge mens voyces upon theire othes to hange of graces graunted in houses.

4. This is sene and knowen true.

5. What D. Pearne maie remember we know not, but

in our tyme we know not suche differinge of lectures; and affirme there was more importunate sute this last yere then any tyme we can call to mynde.

The senior non-regent joined with the scrutator.

Yt is all true, and of some importance.

The execution and diligent observance of the old statutes, etc.

The reasonable execution of the old statutes, and the changing of the commencement, and greife of our pryvate comodities abridged by taking awaie dispensation, with other objections concernyng imperfections and contrarieties, though they be not but in wordes onlie of them touched, yet we cannot replie for wante of tyme; beseching your graces and honors all to accept of this, and judge thereof as not so fully aunswered as we might with leisure, but as well as we could in such hast.

LETTER TO LORD BURGHLEY.

[Printed in Dr. Lamb's "Original Documents."]

Your honor requested us two archbushops, the bishop of London and the bishop of Elye, to peruse the bill of complainte of the young men against their elders, masters of colleadges, &c.

We have deliberatelie conferred their objections, awnswers, and replies, which we now send to your lordship herewith, besides that we heard both the parties challenging thone thother at full; in fyne, we perceive by due consideration that the meaning of the proctors is to finde manne matters amisse in the newe statutes, for the which they seke reformation. We think that the statutes as they be drawen maie yet stande, and no greate cause whie to make anie alteration. We think also that theis younger

men have been farre overseen to seek their pretended reformation by disordred meanes, and namelie in going from college to college to seke subscription of names without the license of the vice-chancellor, etc. The consideration whereof for firm satisfaction or reconciliation we referr to your order and wisdome. And thus we commende your lordship to the grace of God.

From Lamhith the laste of Maye 1572.

Your lordships in Christe,

MATTHUE CANTUAR.
EDM. EBOR.
ED. LONDON.
RICHARD ELYE.
NIC. BANGOR.

COMPLAINTS OF THE HEADS.

[Printed in Dr. Lamb's "Original Documents."]

Articles exhibited by the masters of colleges against Mr. Beacon, Puresye, Nicholls, Browne, and others.

1. IMPRIMIS, the peace and studie of the whole Universitie is at this time by their means disquieted; the inferior lightlie regarding their duties nowe at home thoroughe the expectation of some innovation which they have promised.

2. Her majesties statutes by them have been openlie spoken against; first by Mr. Browne, and that bitterly, in master of Bennet College his chamber, when the vice-chancellor and most of the heades then at home, and divers straungers, were their present, to the great offence of all hearers; and afterwards by Mr. Beacon, in an oration which he verie seditiously madd in the regent house at thelection of the vice-chancellor, to the diffaming of the queens majesties statutes, and to the great discrediting of

the heades of colleges, using such insolence against them as the like have not been harde. Through whose audasitie the inferior sorte have been sithence the more encouraged and embouldened boeth to speak and to sett themselves against their seniors and heades; in so much that shortlie after one Mr. Fletcher, a busie regent of the proctors faction, bouldined by his exsample, was not ashamed to abuse the lord Gouche in the regent house, sayinge that if he were served according to his deserte he should have his hood plucked over his ears.

3. They have sought to overthrow her majesties statutes through the shew of a multitude of handes, which they have by synistre meanes procured; persuading some thereunto by sayinge that there was all the heades on their sides saving fower, and telling other some that they hadd divers of the counsel on their sides, who would either stand or fall in this their attempt with them.

Means also used for subscription.

1. And if thowe bee a good fellowe.
2. We shall give the tyraunts an overthrow.
3. We shall convey the sworde into our owne handes, and make them stoupe awhile.
4. Thou shalt never take degree more in the Universitie.

4. They have so bewitched the subscribers to their supplication by assuring them of alteration, that they have procured a great sorte of them to be contrybutors towardes the maintenance of their charges in their attempt, which being joyned with their other practises doth argue a pettie rebellion.

5. Mr. Puresie, one of the proctors, was not afraid to speak in a place heir in London, that if they did not prevaile against the heades at this time, they would not so leave and give over, but would find some other opportunity to obteyne their purpose; whereof if they should retourne without hope of redresse, it would turne to a further

inconvenience than wee are aware of: which speech, in owre opinion, was very seditiouse.

6. In the bill of their complainte theye are not ashamed to use this terme, "the grevances of the bodye of the Universitie;" whereas in verie dede very fewe of their bodie be made privye to these articles in procuringe handes to their supplication. To some they did but shew two of these articles; unto others not above fower at the most, as we are creditably enformed; and some they make believe that they did not mean any thing else but the disannullinge of the sale of privelege within five miles as they terme it: whereas in dede they purposed to overthrowe all the queens statutes, by their allurement of the multitude unto them.

7. To shew their stomackes against their heades and rulers, and how lightlie theye esteeme of them, they are not ashamed, as well in their articles as also in other places, to use most opprobrious terms against them; charging them with . . . . perjury, oppression, and insolencie; and using this terme, viz. in dispeight of the vice-chancellor, which we take to be most grevouse injuries, and hope for redresse of the same at your honnors hands: besides their general offences, they have particularly slaundered Mr. Dr. Whitegifte, Dr. Chaderton, and others, as apperithe in their articles.

8. The vice-chancellor and maior meeting at St. Maries church, accompanyed with divers of the heades, and with divers aldermen and bailiffs, who were assembled to make certain proclamations for the maintenance of good order within the towne of Cambridge, and to walk thorrowgh the streates, as their manner hath always been, to se whether the same were cleane kept accordinge to their order, the proctors being commanded to attend upon Mr. vice-chancellor in that perambulation, as alwaies heretofore they have done: this year the said proctors, to shewe their con-

tempte to their chiefe magistrate, refused herein to do their duties, to the great offence of Mr. vice-chancellor, and to no small admiration of the mayor, aldermen, and bailiffs their assembled; and not only herein they shewed their stubbornness, but also of late beinge commanded by Mr. vice-chancellor to goye with him and the heads, as the manner is, to meet with my lord North, they refused therein likewise to do theyre duties.

9. Also Mr. Beacon, to shew his further contempte, being commanded of Mr. vice-chancellor to bring unto him the regester book of the Universities lettres, having then necessary occasion to se the same, could by no means make him bringe forth the same regester book; whereof the vice-chancellor hath made his complaint to the heades, and yeet hath hadd no redresse thereof, such is the said Beacons stubbornnesse.

10. As touching the statute for apparell, none in all the University do more offend against that statute than the two proctors, who should give best ensample, and these otheir two regents, Nicolls and Browne, withe a fewe more of their adherents, who doe not only go verye disorderlie in Cambredge, waring for the most part their hates, and continually verye unsemly ruffes at their handes, and greate galligaskens and barreld hooese stuffed with horse-tayles, with skabilonions and knitt netherstockes to fine for schollers; but also most disguysedlie theie goo abroade, waringe such apparell even at this time in London (although like hipocrites they come at this time outwardlie covered with the schollers weed before your honnors), that a great sort of godly men, and such as bear good will to the Universitie, are greatlie offended to se such unsemlie goinge of schollers, and especially of proctors and ministers (through whose lewde ensample and behaviour the Universitie is evell spokenn of, and poor schollers lesse respected).

LETTER FROM LORD BURGHLEY TO THE UNIVERSITY.

[Printed in Dr. Lamb's "Original Documents."]

After my heartie commendations. I am very doubtful how to write at this tyme to that Universitie, for that I perceive there is a general disposition of myndes in sondry there, to seek occasion of varyance; and yet in whom the oryginall fault is, I may not judge or pronounce without further inquisition. But in whomsoever I may fynde it to be, upon due search, I shall manyfestlye make it appeare, that, as far fourth as my authoritie may warrant me, I will and must se the same duly corrected. And so I do differ at this tyme to pronounce any sentence against any partie by name. Neverthelesse, hearing by report that the tenth of this month, when your vice-chancellor and others, heades of colledges, met in the regent house, according to the statutes authorized by the queenes majestie, for the naminge of viii. of the most meetest for the fower ordinary lecturers, owt of which number the regents and non-regents in that congregation should chose fower; Mr. Beacon, the senior proctor, whoe should have read the said names eligible, did omyt the same, and in an oration declared, in my name, that it was my ordre, that as well those persons eligible for the lecturers, as all other officers to be named by the heades of colledges, should be named exprestly by xiiii. heades of colledges, or, in absence of any of them, by their presidents, and therefore no nomynation then made by fewer, being, as he said, to transgress my ordre, was voide; and so thereby the congregation brake upp, and nothing done in that cause.

Thus I am enformed; but what was the very troth, considering I know not by way of inquisition, I am to declare my mynde upon the matter as I am enformed. Yf Beacon, or any other, did report that I had already made an ordre, that for the nomination of lecturers, or any other

like officer, there should be xiiii. heades of colledges present, or yf any were absent, their roomes should be supplied by their presidents; I do directly affirme that the saide reporte is untrue, for I have not made any such ordre. And if I have, the said Mr. Beacon must shewe yt in wrytinge; for I thinke he ought to have so much discretion, at the lest I am sewer I ought to have so much, as not to make or determine any ordre in a controversie which hath been moved and sett fourth by twoe parties in wrytinge, and hath been harde so solemnly as of late the same was before two archbyshopps and fower other byshopps of the realme, but that I would have sett it downe in wrytinge; which I am sewer I have not done. But if the procter, or any other, shall report what my intention, or rather my disposition, was, as by some speaches I have indede declared my disposition, for the expoundinge of the wordes of the statutes, in those cases I may not deny the same. But as yet I have not had leisure to consider what manner of ordre I should give, nor yet have thought it mete to use haste in the same, but rather to permytt you to maynteigne the obligation of the statutes as theie have been; for so I have been counsayled by the saide archbyshopps and byshopps. And indede, seinge such forerunninge with untrue assertions (if the reporte be true), I may be moved indede to revoke my disposition, and to lett Mr. procter taste of the frute of his rashnesse and untrue reporte of me. And so I conclude with you, Mr. vice-chancellor, requyring you, if yourselfe knowe this reporte of Mr. Beacons speach to be true, then to send for him and his collegue, and other the heades, and some of the regents and non-regents, and in their presence to read this my lettre to them, by which they shall best understand the truth of myselfe, who ought best to be trusted to utter mine owne meaning and deedes. And thereupon I woulde, and as my authoritie may serve I do, as chancellor in that Universitie, will, requyre, and

charge you, at tyme convenient, to procede againe by a newe congregation to the nomination and election of the said fower lecturers, as the last year was by the statute observed; and that if the procter shall, uppon the reading of this my letter, refuse to consent thereto, I will that you shall enjoyne him that shall so refuse to repaier hither, to answere thereto at such convenyent daye as you shall appoynt him; for I may not suffre this manner of rashnesse to encrease withowt temperynge it with some colder humor, to reduce the same to modestie. I pray you let me have answere to this my lettre; for surely I am somewhat troubled in mynde to heare of these manner of disorders and disagreements. So fare you hartely well. From Westminster, the xvth of June, 1572.

Your assured lovinge freend,

W. Burghley,
Chauncellor of Cambridge.

LETTER FROM THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansdowne, no. 15, art. 57.]

Right honourable, my duety premysed, after most humble maner, etc., these are to certefie your honoure that I have sente unto yow herein inclosed an examynacion and deposition of certayne grave men, towchinge the reporte which Mr. Beacon is judged to have reported by yow, both pryvatly and openly, as your honoure maye well discerne in perusinge of yt. And because there was a nominacion of the ordynary lecturers at the tyme by foundacion apoynted (though with protestacion publyshed), because (as the procter sayeth) the statute is not observed, I have deferred the electyon untill I heare more from yow; although I take it to be a greate inconvenyence eyther for one or two proc-

ters to quarrell, make troubles, or rayse up doubtes from tyme to tyme, and in matters whatsoever, contrary to the doinges or judgementes of all the headdes present or resydent, which sometyme be more, sometyme fewer, as occasion serveth, yet never so fewe but at all tymes hable to countervaile with them, and to be preferred before them. This dysorder, therfore, must needes greve any good man, and gyve occasion of greate inconvenyence, if by your wysedome it be not suppressed. I was resident upon my cure in all the late dysorders, and coulde not at that tyme be resident upon myne office. But your honoure understandinge all contencions, doth not sleepe in brydelinge all rashe attemptes of any partye, or in stirringe up and prickinge forwarde negligent myndes and carelesse disposicions. Thus I leve of to trouble yow in your waighty affaires, most humbely requyringe yow to make some speedy staie, and to certefie your pleasure as your honoure shall thinke convenyent. From Cambreidge, the 12th of July.

Your honoures to commaunde,

Roger Kelk, vicecha.

Postscript.—The procters have bene from home this sennett, and I knowe not of there returne, or ells I had awnswered your letters before this tyme. I could not goe aboute it before the commensemente, because the senior procter was the cheifeste doer at that tyme, and it would have troubled him somewhat in his busynesse.

The reporte of Mr. Doctour Hawford, made unto Mr. vice-chauncelour and other of the heads.

The ixth daye of June last, I being then deputie for the vice-chauncelour, bothe the proctours, lately cummyng from London, dyd come unto my chamber; and the senior proctour did saye, that it was my lord Burghlies plesure, that at the nominacion of the lectorers the presidentes of colledges should be called, in thabsens of theadys, and to gyve their

assentes in the nominacion. I said unto theim, Have yow anye letter from my lord Burghlie, to testyfye thys that yow saye? They sayd, that my lord had such busynes that he could not wrytte. Then I awnswered, that their bare assertion was not a sufficient warrant for me to breake a statute. They said, that I should credit theim herein bycause they were publicke persons; and said further, yf I would not call the presidentes, in thabsens of the heades, they would do nothynge at the congregacion the nexte daye.

The reporte of Mr. Dr. Chaderton.

The same daye, viz. the 9 of June, I being with Mr. Doctor Hawford, the vice-chauncelours deputie in his absence, he made relacion unto me of the proctours certyfycate unto hym of my lord Burghlies pleasure, as towchyng the nominacion of lectorers, by the same recordes that are afore wrytten, and asked myne advise therin, because (saythe he) we shalbe in daunger to have no election. And my awnswere was unto hym, that a bare reporte of private men was not of sufficient force to alter anye statute established, unlesse they showd showe my lord his determynacion in wrytynge; and therfore I thought good to observe thorder practized before, agaynst the which yf the proctours should do anye thinge, the attempte should be at their owne peryll.

By me, WILLIAM CHADERTON.

Certayne interrogatories mynistred by Mr. Dr. Kelke, vice-chauncelour, towchyng the facte of Mr. Beacon, seniour proctour. 8 Julii.

1m. Wheather Mr. Beacon, seniour proctour, the xth of June last past, in the full congregacion of regentes and non-regentes, assembled for the election of the fower ordinarye readers, spake there openlie to thys effecte, That it was my lord Burghlies pleasuer, that the presidentes of colledges, in thabsence of the masters, should be called to the nominacion of the lectorers, to make up the number of

fourtene: and that he had signified the same unto Mr. vice-chauncelour his deputie the daye before; sayinge also, that my lord Burghlie sayed that that was *anima legis*.

2m. Wheather that the said Mr. Beacon, for the cause in the former artycle rehersed, did make his protestacion of the nullitie of that nominacion of the lectoreres made by theades; and yet that, notwithstandynge, he dyd there openlye denounce the said nominacion; and afterward, being called to stand in the scrutynie by the vice-chauncelours deputie, for the election of thoes that were nominated by theades, did refuse openlie to do the same; and therupon the congregacion was broken up, and no election made.

Depositio Edwardi Hawford, sacræ theol. professoris, magistri Collegii Christi, jurati.

1m. *Ad primum deponit* that Mr. Beacon did speake to this effecte.

2m. *Ad* 2m. *deponit* that the article is trew: onlie he saith, that towchynge the refusall openlie to come to the scrutynie, that Mr. Beacon refused that before this deponent, then being the vice-chauncelours deputie, and twoe other doctours in the regent howse.

Depositio Willelmi Chaderton, sacræ theol. profess., magistri Collegii Reginal., jurati.

1m. *Ad* 1m. *deponit* that all in tharticle ys trewe.

2m. *Ad* 2m. *deponit affirmative.*

Depositio Jo. Styll, sacræ theologiæ baccalaurii, socii Collegii Christi, jurati.

1m. *Ad primum* he sayth, that, as farre as he can remember, Mr. Beacon, in his oracion made in the regent howse, said that the statute was broken bycause the number of xiiij[tene] there apoynted to be present was brought to fower; and that, havyng conference with my lord Burghlie,

my lord Burghlie myslyked that the presydentes should not supplie thabsence of the masters of colledges; and that the same might agree with the statute, he said it was *anima legis:* and that, bycawse he had a care of the election should procede, he cam the daye before to Mr. vice-chauncelours deputie, to signifye his judgement of the statute, and his conference with my lord Burghlie; and that my lord Burghlies judgement was not receyved.

2m. *Ad* 2m. he saith that Mr. Beacon made a nullitie, but he dare not saye of what argument or reason, but as he thynketh of the reasons made before; and that he reade the names, but with a protestacion of nullitie. *De cæteris nescit deponere.*

Depositio Roberti Some, sacræ theol. bacc., socii Collegii Reginalis, jurati.

1m. *Ad primum deponit* that Mr. Beacon said that it was my lord Burghlies judgement that that was *anima legis,* that the presidentes should supplie thabsence of the masters; and that he had signified so much unto the vice-chauncelours deputie before.

2m. *Ad* 2m. he saith, he did reade the names. *De reliquis hujus interrog. nescit deponere.*

Depositio Roberti West, sacræ theol. bacc., vice-magistri Collegii Sanctæ Trinitatis, jurati.

1m. *Ad primum* he saith, that Mr. Beacon did report unto thouse that my lord Burghlie said that that was *anima legis,* viz. that the presidentes shuld supplie thabsence of the masters; and that he had signified so muche before to the vice-chauncelours deputie, and that Mr. vice-chauncelours deputie did suspecte his credit.

2m. *Ad* 2m. he saith, that Mr. Beacon said, *publicare nomina non recuso, cautione tamen adhibita de nullitate prioris nominationis,* which, to his judgement, he did as

well for the breach of statute as for my lord Burghlies judgment.

Depositio Roberti Garret, sacræ theologiæ bacc., socii Collegii Reginal., jurati.

1m. *Ad primum deponit affirmative.*

2m. *Ad* 2m. he saith, that Mr. Beacon upon that cause did speake *de nullitate nominationis*, and yet after did reade the names of theim that were nominated; and that the congregacion was broken up withowt enye thynge done.

Depositio Gwalteri Aleyn, in artibus magistri, socii Collegii Christi, jurati.

1m. *Ad* 1m. *respondet affirmative*, as he certaynlye thought at that tyme.

2m. *Ad* 2m. he saith, that Mr. Beacon said he would reade the names, but with protestacion *de nullitate nominationis.*

Depositio Johannis Tracey, in artibus magistri, socii Collegii Gunvyl et Caii, jurati.

1m. *Ad primam partem primæ interr. respondet affirmative; ad reliqua nescit deponere.*

2m. *Ad* 2m. *nescit deponere.*

Depositio Johannis Bell, in artibus magistri, socii Coll. Divæ Magdalenæ, jurati.

1m. *et* 2m. He saith that Mr. Beacon said, I knowe my lord Burghlies mynd, that the presidentes should be at the election, in thabsence of the masters; and therfore refused to goe to the election.

Collatione diligenti facta concordat cum originali.
Ita testor,

Mattheus Stokys,
notarius publicus.

LETTER FROM LORD BURGHLEY TO THE UNIVERSITY.

[From MS. Harl. no. 7037, p. 288. A copy of this letter is inserted in the University statute-book.]

To my very loving friends the vice-chancellor and the residue of the heads of colleges in the University of Cambridge.

I COMMEND me heartily unto you. Where there hath been of late some controversy amongst you, upon the doubtful interpretation of a statute given unto you by her majesties authority, for the assembling of the heads and chief of every college in the nomination of such as are to succeed yearly in the places of lectors and other officers of the University, although my labor hath not served me to direct you therein hitherto, nevertheless I have not been unmindfull thereof; but now thinking it not meet to defer the ordering hereof any further, do by these my letters notify unto you my opinion, that for the more quietness and indifferency to be used in the nomination of the said persons to be propounded in election of lecturers and other officers, in the absence of any of the heads, masters, or presidents of the colleges, howses, or halls, the vice-provost, vice-masters, vice-presidents, or others occupying the places of the said masters and heads of such colleges, should assemble themselves, and concur with the residue of the heads of the colleges in the nominations aforesaid: to the intent there may be a generall and full assembly, and due form observed, for the preservation of the severall interests of every college in the lectures and offices aforesaid. So as both the heads may preserve their authority free from all suspicion of partiality, and the younger sort may hereafter be void of all excuses of disobeying, troubling, or misliking the elections that shall proceed thereof. And this my interpretation, as agreable with the sense of the letter of the statutes, I do will and require you to observe and cause to be observed inviolably from henceforth:

wherein as I doubt not but you will be advised by me, who have just cause to know best the meaning and right sense of your statutes therein, so I pray you in all other your controversies and doubts to use such modesty as the University receive no infamy by your dissentions, but rather that you well use my advice and such authority as by my office I ought to have amongst you, who nevertheless had much rather use the same for the benefit and preferment of the University, than to bestow that little leisure I have from greater affairs in the compounding of your quarrells. Wherefore I trust, through your discreet government, I shall not much hear hereafter. So fare you well: from Reding, the 27th of Septembr. 1572.

Your very loving friend,

William Burghley.

DECREE OF THE HEADS.

Dec. 6, 1572.

It is ordered, decreed, and determined, the sixth day of December, anno Domini 1572, et anno regni reginæ Elizabethæ decimo quinto, that the two proctors of the University should not be allowed for the charges of the night watches above four marks between them in the whole year, except any privy watch commanded by the counsayll, or other great affairs of the common wealth, at the appointment of Mr. vice-chancellor for the time being, with his assistance, shall cause the contrary; for the which times they shall be allowed at the discretion of Mr. vice-chancellor and the auditors of the common chest.

Tho. Byng, procancellarius.
Edward Hawford.
John Whitgyfte.
John Hatcher.
Andreas Perne.
William Chaderton.
Henry Harvy.
Thomas Ithell.

LETTERS, &c.

RELATING TO THE EXPULSION OF MR. CHARKE FOR PURITANISM.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd., no. 15, art. 64.]

To the right honorable and my speciall good lord my lord treasorour.

My duetie most humblie remembrid to your honour, I am specially to crave pardon of the same, for that, writing not long since unto your lordship in the behalf of Mr. Bartholomew Clark, I then added nothing of th'unversitie affaires. Now therefore to correct that mine errour, I thought meete at this time to reporte to your honour suche occurrences as here lately have happenid.

First, towching th'inclinacion generally of mens mindes throughout the towne, none can better advertise your honour then the sayd Mr. Clarke, who, for the shorte time of his abode with us, did diligently marke and consider the same. It grieved him, I doubt not, to see those that should preache Godes truthe, and mainteine unitie, seeke occasion to quarrell against the present state. Thei are muche in oppugning Mr. Whitgiftes booke; and yet the same, more with vehemence of wordes then with force of reasons.

To descend to particular doinges; on Fryday was sevinnight, being the fifte of this moneth, one Mr. Charke, late fellow of Peterhowse, and now chapplaine to my lord Cheynie, preaching, as he was appointed, a sermon *ad clerum*, emong other matters, whiche he then uttered, mainteined in his discourse these two conclusions:—

1. *Episcopatus, archiepiscopatus, metropolitanatus,*

patriarchatus, et papatus, a Satana in ecclesiam introducti sunt.

2. *Inter ministros ecclesiæ non debet alius alio esse superior.*

For the whiche his doctrine, as repugnant to the government in this churche of England established, I caused him, as our statutes require, to be called before me and the rest of the headdes, where he being charged with the poyntes aforsayd, did earnestly stand to the defence of the same. It was shewid him what daunger would ensue if he so persisted; and therfor he was advised to conferre with better learnid then himself, and to heare their judgementes; the whiche that he might doo to his greater profitte, wee graunted him a reasonable space, to consider more diligently of his assertions, and after to yeld up a full resolucion of his mind therin: the time prefixed is Ashewednisday next; in the meane while he hath leave to depart. And thus farre have wee hetherto dealt with Chark; meaning (unles your lordships determinacion shalbe otherwise) to procede with him acording to our statutes, whiche bind him either to revoke his opinion, or to be expelled thuniversitie.

Not long before that sermon, there was a slaunderous libell sett upon the owter doore of the scholes against Mr. Whitgift and D. Perne. Some are, not without cause, suspected for it; but as yet the auctor is not certainly knowen.

And that your lordshipp may see what contrary veines doo flowe from one fountaine, I am further to geve your honor advertisement of a greate oversight of D. Caius, who hath so long kept superstitious monumentes in his college, that the evill fame therof caused my lord of London to write very earnestly unto me to see them abolished. I could hardly have been perswadid that suche thinges by him had been reservid. But cawsing his owne

company to make serche in that college, I received an inventary of muche popishe trumpery; as vestmentes, albes, tunicles, stoles, manicles, corporas clothes, with the pix, and sindon, and canopie, beside holy water stoppes, with sprinkles, pax, sensars, superaltaries, tables of idolles, massebookes, portuises, and grailles, with other suche stuffe as might have furnished divers massers at one instant. It was thought good, by the whole consent of the heades of howses, to burne the bookes and suche other thinges as servid most for idolatrous abuses, and to cause the rest to be defacid; whiche was accomplished yesterday with the willing hartes, as appearid, of the whole company of that howse.

Thus having delivered to your honour a litle view of this busy commonwelth, I remaine at your lordshippes direction for dealing in the same from time to time. Evin so wishing the long continuance of your honorable estate, I commend your lordshippe to th'allmightie his tuicion. From Clarchall, the 14th of Decembr. 1572. Your lordshippes unworthie deputie ever at commandment,

THO. BYNG.

W. CHARKE TO LORD BURGHLEY.

[From MS. Lansd. no. 16, art. 33.]

To the right honorable the lord Burleigh, lord highe treasorer and one of hir majesties honorable privie councell.

ACADEMIA tua (Cecilie, vir honoratissime) me totidem jam annos aluit, alumnum non ingratum, quot te habuit Anglia primarium reipublicæ virum. Nuper vero eadem me, quam ego tum calamitatem primam accepi, publice in exilium ejecit, luctuosum mihi, et criminosum nonnihil ecclesiæ Dei. Ejus vero causam exilii procancellarius tuus ad te et quidam collegiorum præfecti detulerunt, ut aditus esset ad id, quod, ut illi juste fecerint, ego tamen non dicam

injuste, sed haud scio an indigne patiar. Nam, ut vere tibi et breviter exponam facti conditionisque meæ rationem, eum me esse non dissimulo qui, argumentis e Scriptura et externarum ecclesiarum exemplo adductus, aliquid abesse putem, quo ecclesia nostra, nuper e tenebris vindicata, propius ad splendorem πρωτοτύπου χαρακτῆρος possit accedere; quod si quando concedat Deus (concedet autem, ut spero, suo tempore), facilius erit postea eandem sartam tectam (ut dicitur) conservare. Sed hanc opinionem meam et aliorum, cum non ignorem periculose in concionibus coram imperita multitudine promulgari, quia aliquid habet et plebi novum, et ab institutis reipublicæ alienum, scientiam veritatis mihi reservavi, et ab ejus in concionibus meis promulgatione studiosissime semper abstinui. Cæterum in senatu privato, et sermone Latino, majorem me putabam posse libertatem usurpare; ideoque in academia, (id est) in doctissimorum et sapientissimorum virorum corona, sententiam meam in ejusmodi rebus liberius explicabam. Quo facto nescius tenebar crimine violatæ legis: in judicium vocatus, qui in causa mea judices erant ex sanctione legis non solum aquæ et ignis mihi usuram interdicebant, quibus vivimus, sed et literarum, quibus bene vivimus. Ego appellabam, et his literis meis supplex appello æquitatem ac bonitatem tuam; in quo uno spes mihi relinquitur illius loci recuperandi, in quo mihi conceditur tanquam in rerum præstantissimarum mercatura vitam propagare. Cum igitur ad tranquillitatem ecclesiæ, in maxima opinionis meæ πληροφορίᾳ semper tacuerim, si illud unum factum excipias; cum statuam præterea, nisi ad ea legitime vocatus, deinceps tacere; cum denique levius deliquerim, quod Latine sententiam meam dixerim; peto a te, ut quem illi ἀκριβοδικαίως ejecerint, tu velis ἐπιεικῶς quasi jure postliminii restituere. Neque cum hæc peto, eo pertinet petitio mea, ut auctoritas tua intercedendo illorum factum rescindat, quod tamen potes concedere; sed hoc a te pro

incredibili tua erga academiæ tuæ clientes bonitate peto, ut literis tuis ab academiæ præfectis petere velis, ut me restituant, protinus ejiciendum, si vel pacem ecclesiæ, vel reipublicæ, vel academiæ, violavero. Hoc si concedas, qui jam ignominioso Homeri versu dici possim *ἀφρήτωρ, ἀθέμιστος, ἀνέστιος*, recuperata civitate felix me abdam in bibliothecam meam, Deo *καδδύναμιν* et reipublicæ dabo operam: te vero (lectissime cancellarie), quem semper multis nominibus colui, colam deinceps pluribus, et assidue: maxime hac precationis formula, ut te Deus patrocinio tueri velit sempiterno. Amen.

Tuus *σὺν τῷ Θεῷ* ad omnia paratissimus,

GUL. CHARCUS.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 16, art. 34.]

To the right honorable and our singuler good lord the lorde Burghlie, lorde threzurar of England, and chauncelor of thuniversitie of Cambridge.

OUR duities in most humble maner to yowr honour remembryd; your lordships lettres wrytten in the behalfe of Mr. Charke have made us all not a litle perplexid; partlye for the boldnes of hym, who in so notorious a faulte, and manifest breach off statute, would attempte to procure your lordships favor; but most of all for that wee are herebye brought in some dowbte of your lordships good lykynge of our procedinges in that cause: wherof to rendre a just accompt, and that your lordship maye therbie the easelier judge what lenitie hathe been used on our partes towards the said Charke, contrarie to his reporte, as it semyth, may it please your lordship to be advertised of the whole matter from the begynnyng.

First, omittinge the great expectacion of many longe before hys sermon, raysed, as maye probablely be thought,

by some speach geven owt by hym concernyng thoes thynges wherof he woulde intreate; leaving also his singuler confidence used in the whole action and utteraunce of his sermon: even at that tyme when he was called before us, beside the obstinate defending of his errors, he spared not in presence to overthwart divers of the heades in very unseemlie maner, and with taunting wordes. Nevertheles bearyng with hys want of discrecion beyonde his desert, and seeking to allure hym by gentle perswasions, we thought good he should severallie be communyd with by three or fower of our companye. After which conference, though they had litle prevailed with hym, yet that he should not thynke hymselfe to streigtlie dealte with, we graunted hym more then seven weekes space to consyder throughlie of his groundes, and after good advisement to yelde his aunswer upon the same; geving hym further to understande, howe we coulde doo none otherwise then the statute required, yf he should persiste in his conceyved opinions. At the tyme apointed wee founde hym nothinge altered. Howbeit styll wishing his good conformitie, and meaning raither to reduce him charitablye, then sodeinlye to cut hym of, wee offered that yf he would but onlie promisse, upon better deliberacion, to revoke his assertions, he should be respected for the performaunce thereof tyll after Easter; which for that before us all he utterlie refused to do, it was concluded, with one consente, that he shoulde incurre the payne of the statute; that ys, to lose both his college and also thuniversitie. Now, yf this punishment had been enjoyned hym onlie by our arbitrementes, and not by statute, yet his demerities being such, as we have declared, and he can not denie, he could not justlie have complained of overmuche severitie. But seing we have doon nothynge of anye private consyderacion in this cause, but our sentence hath been wholie directed by her majesties statutes, delivered unto us as a rule to guyde us, and

wherewith to dispense is utterlie forbidden us, we muche muse what colour of defence he can seeme to pretende. And suerlye how necessarie it ys that we have suche statutes, and namelie that one concerning preachers, the malice of theas times dothe easelie shewe. For since Charke hath broched theis untimelie contentions, others have ventured to contynewe the same, wherby the myndes of some are so incensed, that in manye colledges they studie and devise onlie how to moleste and disquiet their governours; their drifte, as it ys well knowen, being nothynge els but to procure to themselves a licentious libertie; wherein yf they may fynde favour through their importune sutes, our state is most miserable of all other. What poyson lyeth hyd in popularitie, can not be unknowen to your singular wisedome. Owr labors and travayles in suppressing the same must nedes be joyned with occasions of great envy, which we shall never be able to resiste, unles we be supported by your lordships auctoritie, and others that are placed in the chiefest roumes, speciallie when the difference consisteth in this, whether we shalbe borne with for executynge our lawes, or other by indulgencie incoraged whiche breake the same. And yet for Charke, we have further to reporte, that after the delyvery of your lordships lettres, being agayne demaunded whether he would yet promisse to retracte his former doctrine, he would in no wise yelde therunto, but made the like refusall as before; adding, that he thought your lordships meanyng was not to have hym recante. Wherein as your lordship may well perceave his great presumption, so did he nothynge deceyve the expectacion of some of us, who have noted in hym the like hawtie stomake ever sythens wee first knewe hym. Thus having dissembled nothyng, but playnlie laied furth the case as it ys, wee are most humblie to crave your lordshipps favorable assistaunce for the repressinge of this and the like enormities, wherewith we are so greatlie en-

combered at this present, that of force we should faynt, weare we nat susteyned with the onlie hope of your lordshipp his good acceptacion and countenaunceyng of our dutifull travailles in that behalfe. Even so praying thalmightie longe to preserve your honour, to our great comfort and the wealth of this state, we humblie take our leave. From Cambridg, the seconde daye of Marche, 1572.

Your lordshyps ever most humble at commaundement,

THO. BYNG, vice-chauncellor.
ANDREAS PERNE.
EDWARD HAWFORD.
ROGER KELK.
JOHN MEY.
JHON WHITGYFTE.
WILLIAM CHADERTON.
HENR. HARVY.
THOMAS ITHELL.
JOHN CAIUS.
NICHOLAS SHEPPERD.

6° Decembris, an° 1572.

MAGISTRO Willelmo Charke, collegii divi Petri in Cantebr. socio, concionanti ad clerum in ecclesia beatæ Mariæ juxta forum, die Veneris, viz. 5° Decembris, et postridie ejus diei vocato coram magistro Thoma Bynge, legum doctore, vice-cancellario, assidentibus præpositis collegiorum, scilicet doctoribus Pearne, Hawford, Kelke, Whitgyfte, Chaderton, Harvie, et Ithell, magistris Shepard, Goade, et Aldryche, objectum fuit quod has propositiones in concione sua asseruisset et prædicasset, viz.:—

1. Isti status, episcopatus, archiepiscopatus, metropolitanatus, denique papatus, a Satana in ecclesiam introducti sunt.

2. Inter ministros ecclesiasticos non debet alius alio esse superior.

Et dictus Willelmus Charke coram prædictis vice-cancellario et assidentibus palam et publice agnovit et confessus est se protulisse et prædicasse prædictas propositiones, viz. primam directe, et alteram implicite, prædictis die, loco, et concione. Et subsequenter facultas et licentia communicandi et conferendi super præmissis cum doctori-

bus in theologia facta est dicto Willelmo in diem Martis prox. Quo die causa dilata est in diem primum Quadragesimæ prox. Et dictus Charke solenniter promisit judicio sisti ad audiendum voluntatem domini vice-cancellarii dicto die, aut duobus diebus antecedentibus aut subsequentibus.

5° Febr.

Quibus, etc. comparuit Willelmus Charke, et iterum interrogatus a domino procancellario de duabus illis propositionibus prius illi objectis et in concione sua habita in ecclesia beatæ Mariæ juxta forum Cantebr. 5° Decembr. prox. elapso publice declaratis, respondit et fatebatur illas esse ab eo in eadem concione prolatas, priorem videlicet explicite, posteriorem vero implicite; ita tamen intellexisse posteriorem, ut existimet non debere esse aliquam superioritatem in ministris ecclesiasticis quoad jurisdictionem. Deinde a domino procancellario sæpius requisitus, monitus, et jussus fuit, ut easdem propositiones revocare vellet in eodum loco ubi eas docuit, proximo videlicet die Dominico, secundo, vel tertio; quod ille penitus recusavit. Unde dominus procancellarius, cum assensu præfectorum collegiorum, viz. doctorum Pearne, Hawford, Kelke, Mey, Chaderton, Harvye, et Ithell, tunc præsentium, necnon assensu doctoris Whitegyfte, magistrorum Shepard, Goade, et Aldrich, tunc absentium, sed alias, viz. 29 Janu. proxime præterito, committentium voces, suffragia, et assensum sua domino vice-cancellario ad finiendum juxta discretionem suam et statuta academiæ causam motam contra dominum Willelmum Charke, pronuntiavit dictum Willelmum Charke incidisse in pœnam statuti Universitatis prædictæ in ea parte facti, et ideo excludendum a collegio suo, et Universitate exulandum: et sic sententia sua illum a collegio suo exclusum et Universitate expulsum declaravit. A qua sententia dictus Charke appellavit per verbum *appello* tantum. Cui appellationi non deferendum

dominus judicavit, tum quia in confessum lata est sententia, nec ulla causa appellandi fuit pro Charke allegata, aut appellationi conjuncta sive apposita, tum quia alias in consimili causa judicatum est appellationi non esse deferendum, quoties sententia feratur per dominum procancellarium cum assensu conjudicum suorum, viz. majoris partis præfectorum collegiorum.

Concordat cum originali. Ita testor,

MATTHEUS STOKYS,
notarius publicus.

MR. CHARKE TO LORD BURGHLEY.

[From MS. Lansd. no. 16, art. 35.]

To the right honorable the lord Burley, highe treasorour of England, and of hir majesties most honorable privie cowncell.

QUID auctoritate literarum tuarum apud academiæ tuæ præsides profecerim (honoratissime vir), hi, opinor, literis suis significarunt: ego autem plane non sine maxima studiorum meorum jactura persentisco. Nam, ne quid gravius dicam, qui in accusationibus levissimis debeam dicere, illi nova et inaudita auctoritatis suæ interpretatione indictam, et sex ad minimum dies admissam appellationem meam, postea affirmabant omnino esse *ἀπροσδιόνυσον*: quia etsi a sententia procancellarii liceat, non liceat tamen a decreto præfectorum appellare. Hac sententia et auctoritate sua appellationis et jure et beneficio me privari putabant: idque non in mea tantum, sed et in aliorum deinceps causa quasi legitimum sit, solenni suo *ψηφίσματι* decreverunt. Ego certe quid in hac resentiendum sit, homo in causis forensibus plane hospes, non intelligo; injuriam et prærogativæ tuæ minutionem nonnihil suspicor. Sed in petitione mea et literarum tuarum quod repulsam tulerim, eorum factum est pertinacia: tibi nihilominus (clarissime et lectissime domine), quod causam meam susceperis, gratias ago, semperque quoad vixero agam maximas, idque non

meo solum, sed et multorum præterea optimorum virorum nomine, qui te habent in causa sua, quæ temporum injuria vim patitur, faciliorem. Quod reliquum est, me tibi causamque meam trado: tua libentissime acquiescam sententia: qua si amissam civitatem et intermissa studia recuperavero, me novo beneficio adjicies ad eorum numerum, qui amplissimis tuis beneficiis viventes ac vigentes, præter laudum tuarum prædicationem, a Deo præterea petunt quotidie, ut pro immensa misericordia sua te conservare velit, quo uno respublica nititur maxime, atque ut nitatur diutissime bonorum firmamentum concedat Deus. Amen.

Honoris tui studiosissimus alumnus,

Gul. Charcus.

DECREE OF THE HEADS.

Jun. 17°, 1573. About the size of bushells.

Decretum fuit per Doctorem Bing, vice-cancellarium (sicut alias decretum fuit, viz. 13° Jun.), cum consensu præpositorum, that all bushels of the town and country wherewith any thing should be measured with heap, that they should bear the breadth and measure of the standard of brass at the least, sub pœna limitanda ad discretionem domini judicis pro qualitate delicti.

Ultimo Julii, 1573, idem decretum for the largeness of bushels renovatum fuit die prædicta, adjecta pœna sex solidorum for every default and time.

GRACES OF THE SENATE.

De disputationibus A.M.

1541. Majores nostri, prudentissimi viri, nihil habuerunt prius et antiquius quam ut nobis et posteritati hanc academiam omnium vir-

tutum et bonarum artium generibus quam maxime florentem relinquerent: huc omnes suos nervos, huc omnes semper conatus destinabant; optimis statutis diligenter providentes, ne quid esset, quod ulla ex parte reipublicæ decus et honorem imminueret aut labefactaret. Horum nos pio studio, et de studiosis bene merendi promptitudine excitati, volumus igitur et statuimus, ut omnes primi et secundi anni regentes in artibus, per semetipsos, in propriis eorum personis, disputare teneantur, nisi petita et obtenta a vice-cancellario et altero procuratorum venia per alium quempiam suis vicibus disputandi.

Statuimus etiam, ut nemo regens alicujus collegii, vel aulæ, vel hospitii, per alios quam per sui proprii collegii regentes unquam disputet, nisi consulto prius et assentienti suæ domus præposito, vel ejus vices gerente.

Ad hæc statuimus, ut nullus regentium disputaturus prodeat ex tabernis aut domibus laicis, sed ex aliquo collegio, aula, vel literario hospitio (ut loquimur), et domestico suo contubernio juxta laudabilem academiæ consuetudinem pulchre constipatus.

Numerum autem disputationum sic decernimus: quod nullus regentium sæpius quam bis in uno et eodem termino, aut sua aut alterius vice, publicis sese exerceat disputationibus; neque id quidem cuiquam licere volumus, nisi, ut prædictum est, alicujus collegii cœtu ex more honeste comitato.

Ad hoc statutum perpetuo in posterum stricte observandum, unusquisque regentium sub pœna juramenti sui academiæ præstiti tenebitur.

Mem. quod Jun. 10°, 1573, hoc præsens statutum de verbo in verbum coram regentibus et non-regentibus palam et publice lectum fuit in domo regentium; et immediate proposita, lecta, et promulgata fuit hæc rogatio, viz.

1573. Pœna nova A.M. non debite disputantium.

Quum pœna statuti modo lecti valde gravis sit et plena periculi, utpote perjurii; placet vobis, ut eadem pœna convertatur in mulctam 40 solidorum; et ut singuli in posterum cooptandi in ordinem magistrorum in artibus, sub stipulatione 40 solidorum cum idoneo fidejussore, obligentur domino vice-cancellario ante admissionem ad diligentem

observantiam statuti dicti: et ut hæc concessio vestra pro statuto habeatur, et dicto statuto ascribatur, et dictum statutum quotannis legatur in admissione inceptorum in artibus.

De prælectoribus substituendis.

Conceditur, Jun. 10°, ut vestra authoritate statuatur, nequis prælector annuus in posterum sua vice alium prælectorem ultra triduum substituat; nisi majoris partis totius senatus regentium et non-regentium authoritate interveniente, sub pœna 40 solidorum, inter academiam, procuratores, et bedellos distribuendorum.

De extraneis gradus suscepturis.

Conceditur, Jun. 19°, 1573°, ut omnes pensionarii et extranei, quibus gratia aliqua ad quemcunque gradum suscipiendum in aliquo collegio concessa sit, in eodem collegio convivari teneantur, et pares sumptus cum sociis et pensionariis ejusdem collegii in simili causa pro ratione gradus ferant, sub pœna sex librarum, eidem collegio applicandarum; et ut hæc concessio pro statuto habeatur.

De electione scrutatorum.

Conceditur, Jun. 23°, ut omnis deinceps super electionem scrutatorum dissensionis materia omnino tollatur, ut collegia bina, annis singulis, duos non-regentes nominent scrutatores futuri anni, eo ordine qui in nominandis procuratoribus præscriptus est, incipiendo in sequenti anno ab his collegiis quæ in primo loco constituuntur; et eo ordine et cursu progrediendo et recurrendo: et cætera omnia præscripta in statutis de electione procuratorum et taxatorum diligenter et perpetuo (excepta tantum forma scrutinii dictorum scrutatorum) inviolabiliter observentur. Et ut hæc vestra concessio pro statuto habeatur, et infra mensem proxime sequentem describatur in libris procuratorum.

RETRACTION OF NICHOLAS BROWNE,

WHO HAD PREACHED PURITANICAL DOCTRINES.

[From MS. Lansd. no. 17, art. 65.]

Certayne articles objected to Mr. Nicholas Broune, of Trinitie Colledge, upon twoe sermons made by hym, thone the Sonday before Christmas, the other 25 of Janu. 1572.

1. Item, that in bothe the said sermons he uttered doctryne and reasons tendinge to thynfringinge of thorder and manor of creating or electing mynisters, or the regiment now used in the church of England, or tending to the confuting of Musculus reasons, wherbie the said Musculus would establishe the said order or regiment now used.

2. Item, that he said, that no preistes made in the popishe tyme ought to have eny function in the churche of England, excepte they were called agayne; or wordes tending to that ende.

Tenor retractationis.

Whereas I, preaching in this place the Sonday before Chrystmas, and also the xxvth of Januarie last past, was noted to have preached offensivelie, speakyng as well against the manor and forme of makyng and ordering of mynisters and deacons in the churche of England now established and allowed, as also agaynst such preistes as were made in kynge Henries and queene Maries tyme, saing that they were not to be admitted into the mynisterye withowt a new calling; I let yow all to understand, that I never ment so; for I do here acknoledge and openlie protest, that the maner and forme of ordering of mynisters and deacons in the churche of England now establyshed is lawfull, and to be allowed: item, that the preistes made in kynge Henries and queene Maries tymes, now allowed, and having or exercisyng any function in the church, are law-

full mynisters of the worde and sacramentes, withowt eny newe orderinge other waies then is prescribed by the lawes of this realme.

Concordat cum origin. Ita testor,
MATTHEUS STOKYS,
notarius publicus.

NICHOLAS BROWNE TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 63.]

RARA virtus est, sed tamen omni laude major (honoratissime Cecil.) in iis qui magnam authoritatem in republica obtinent, ut aliquid temporis rebus gravioribus tanquam suffurentur, et dimittant se ad querelas etiam infimorum audiendas. Nam illa quidem quæ sunt majora habent satis argumenti in seipsis cur procurentur; querelis autem privatorum hominum, quia parum in se momenti continent, aures fere omnium occluduntur. Merito igitur ubique nomen tuum celebre et augustum est, quem cum regiæ majestatis et reipublicæ gravissima negotia vix respirare sinunt, id temporis, quo esset animo relaxando e quieti indulgendum, ad miserorum injurias mitigandas et vota promovenda transferas. Atque cum nemini cujuscunque ordinis aditus ad te interclusus sit, tum vero doctis viris et academiæ tuæ alumnis fores late patent et reserantur; id cum ab aliis sæpe accepissem, quibuscum tibi aliquando negotium erat, tum in meipso etiam (quod oblivisci non debeo), etsi minus bene cesserit, expertus sum. Jam vero humillime et supplicissime rogo honorem tuum, non ut victui, licet fere nullo, aliquid adjicias, ut prius; sed ne quod est auferri sinas, atque id cum dedecore et infamia; quod quemadmodum fiat, audi, quæso, quam paucissimis. Quinque ab hinc elapsis mensibus, cum (officio id urgente) in academia concionarer, et aliquanto acerbius, ut putabar, sed illis tantum quos tetigeram, in certa quædam vitia inve-

herer. Accersebar ad procancellarium tuum et collegiorum præsides; certa quædam accusationum capita (sed accusante nemine) proponebantur, quæ quum ego mihi vel in mentem venisse, nedum populo proposuisse, pernegarem, advocant ex academia certos homines, quos interfuisse putabant concioni meæ, atque eos jurejurando prius dato compellunt, quid ex me audierint enarrare et subscripta manu in schedula relinquere: ex quibus inter se collatis, cum si ex lege mecum actum esset, fuissem absolvendus; alii enim me suspicione prorsus liberabant, alii nihil audiebant, alii hæsitanter sententiam dicebant; tamen conclusum est (quo argumento viderint ipsi), ut eas propositiones, quas reipsa non docueram, sed quidam male audientes me docuisse somniabant, retractarem; ea conditione addita, ut si recusarem, non solum e collegio ejicerer, sed etiam academia exularem. In ista autem, licet odiosa et infami palinodia, tot cautiones sunt, tot insidiarum (ut videtur) recessus, ut necesse sit me in laqueos et retia incidere. Præscribunt non solum verba, sed etiam vocem, vultum, gestum moderantur: in quibus, si, quod difficile factu est, imo plane fieri non potest, his judicibus non satisfecero, ejiciar nihilominus quam si recusassem, sed cum ignominia et dedecore majore. Atque hæc ut dixi sic gesta sunt; deinceps quid sequatur, nisi tua auctoritas intercedat, facile est præsagire. Quod si mihi de meipso dicenti minus fidei adhibeas, hoc dignitatem tuam saltem exorem, inspiciantur testimonia, examinetur decretum, expendatur retractandi formula; quæ si idem plane non loquantur, tum me honori tuo abusum esse et tanti viri patrocinio indignum putato. Sin vero narrationi meæ res ipsæ respondeant, iterum atque iterum mihi rogandus es, ut huic malo prudentia et authoritate tua medearis. Grave est concionatorem, cujus vox per plures regni partes audita est et personuit, ad palinodiam cogere; detrahit enim multum doctrinæ quam dispersit, et quam deinceps sparsurus est reddit suspectam.

Sed iniquum, et prorsus non tolerandum, ut propter suspiciones hominum minus candide aliorum dicta interpretantium, quod nunquam asseveravit cogatur revocare. Satis sit insontem coram se sæpius vocasse, examinavisse, in cubiculum suum tanquam in custodiam conclusisse; non amputent cursum studiorum, non privent victu, non spolient fama, non ejiciant in exitium, maxime cum intra regiarum legum cancellos se continuerit, et eisdem etiam coram vice-cancellario subscripserit. Quod si mihi effectum dederis opera tua, arbitrabor me beneficium maximum accepisse, nam et studiorum cursus (quod unice cupio) protrahetur, et fama incolumis servabitur. Argumenta quibus te ad hoc adducam non habeo; quid enim est, in quo homo nihili, viro tam nobili, docto, et prudenti, usui esse possit? Confugio igitur ad misericordiam et pietatem tuam; quæ, quia multos meæ sortis et conditionis homines ad summam dignitatem extulit, non dubito quin me in eo loco quem teneo tutum conservabit. Unum officium non desinam præstare, id est, orationem ut Deus optimus maximus Spiritu suo dignitatem tuam regat, vitam producat, honoribus quam amplissimis cumulet. Vale.

Honoris tui observantiss.

N. Broune.

Endorsed, July 6, 1573.

LETTERS CONCERNING MR. ALDRICH,

AND A DISPUTE CONCERNING THE UNIVERSITY PRIVILEGES ARISING FROM HIS CASE.

ARCHBISHOP PARKER TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 35.]

Sir,—I do nowe wright to hir majestie to enforme hir highnes what I have done for the deanry of tharches, also

enformyng hir majestie concernyng Mr. Aldriche of Cambrige, for whom I laubored so muche to have hym preferred; in whose discommendation, upon information, your honor onys dyd wright to me. Nowe he hath stowt hart against me, and from frendes wil optayne to get the quenes dispensation, that he maye contynue master in Benet College without his degre, as an heade precisian in despising of the degrees of thuniversytie, and a grete mayntener of Mr. Cartwright. I moved hym to consider of his duetye to the realme, etc.; but I feare al in vayne. His frendes be com up to optayne his dispensation, and to procure hym to be a chapleyn eyther of my lord of Leycester or of sir Raff Sadler, to outweigh me and to deface me; for he wil be no more my chapleyn. His frendes saye it maye be easely done to get such chaplenship; for thei saye I am out of all credyte and favor, etc. Yf your lordship knowe my meanyng, I trust honest and indifferent toward that college, and howe I have favored hym and his brother felowe ther, I dout not but Almyghty God wil allowe of my syncere meanyng, howsoever I am requyted onkyndlye, never meaning one peny commodytie to myself or to eny of myne. I were loth to troble your honor with many wordes; because the rather for that I send your honor the copy of my letters I wright to hir majestie. I trust in your carefulnes to the comonwelthe, ye wil duly consider of al doynges; for we shal onys make answer, in our considerations, to Almighty God; and thus God preserve yowe in grace, honor, and vertue. This xvth of June.

Your orator in Christ,

MATTH. CANTUAR.

ARCHBISHOP PARKER TO THE QUEEN.

[From MS. Lansd. no. 17, art. 35.]

PLEASETH it your most excellent majestie. Syns my retorne home to Lamhith I willed D. Clarke to remove hym from

the rome of the deanry of tharches; he immediatly said that he had as lyve forgoo his lyf, for therby he shold be utterly ondone, as nowe neyther able to procure, beyng so discredyted, etc. This mornyng he came agayne to me with the same entent; than I told hym that it was your majestyes pleasure he shuld depart. He answered with al submyssion, that he trusted in your clemency and justice, that he might have your favor with the right of the lawe; and sayd, morover, that D. Yale and D. Weston were as yong as hymself was when thei wer preferred, and that he is of xxxvj or xxxvij in yeris, and had spent all his lyf in studye.

Morover, if yt maye please your majestie, I understond that grete sute is to be made to your highnes for your dispensation in a case of perjury, for one Mr. Aldriche, a troblouse precision, to contynue master of Benet College, otherwise called Corpus Christi College, notwithstonding his othe, wherunto he is bounde bi the statute, to procede bacheler of dyvynitie within iij yearis of his election, which he hath not done; wherupon, and for other grevose complayntes made agaynst hym in his evyl governement, I advised hym to depart quyetly, and make his frendes to favour the president of the college, the oldest therin nowe, to have hym chosen; as he hymself and all his fellowes of the howse have resigned up ther whole interest bi their subscription to me for myn interpretation, and as the said Aldriche hath dyverse tymes wryten to me and spoken the same, that he wil do eny thing that I shold move hym in this matter. But nowe he saith he wil stand utterly against me; and som of his frendes be com up to sue to your majestie for letters of dispensation; and thei saye in geste that I am pope of Lamhith and of Benet College, and that I am out of all credyte and of no reputation, and that thei wil sue to som grete man of the counsayl to accept him as chapleyn, to outface me and to berde my

authorytie. Your majestie seeth this cause, howe it lyeth. I trust in your singuler prudence and wisdom, that this inconvenyence maye be prevented; and my singuler hope, next to God, is in your majesties favor, as myn endevor shalbe alweye to serve your highnes, and to praye for youe, as in many respectes I am bounde. Yf your majestie knewe this whole mater as it is, I trust ye wil not suffer such a scholer or his frendes to triumphe over your chapleyn, to the confownding of your governance.

THE ECCLESIASTICAL COMMISSIONERS TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7037, p. 289.]

To Mr. Dr. Binge, vice-chancellor of the University of Cambridge.

Mr. Vice-chancellor, after our hearty commendations. Although our commission in causes ecclesiasticall doth sufficiently authorise us to deal with any of her majesties subjects, and to call them before us, as well in places exempt as not exempt, as we have afore times used to do, as well by the said commission, as also by appointment of the queens counsell, as we did of late for some fellowes and schollers in the University of Oxford, and as we have done before times, as well there as in the University of Cambridge; whereby we doubt not we have rooted out some corrupt members, that else were like to have troubled the whole estate: yet because we being for the more part some time of this University, and zealous to the same, we for precedent sake have thought it good, first to write unto you, requiring and commanding you, in the queens majesties name, to send up unto us one Thomas Aldriche, M.A. in Corpus Christi College, otherwise called Benet College, and to have him bound with sufficient sureties to make his personall appearance here before us and other our collegues

at Lambeth, immediately upon the receit of these our letters, wherof we pray you not to fail: he to answere unto such objections as shall be propounded unto him, and not to depart without our speciall licence therunto. And furthermore, we give you thanks for the transmitting of the acts done before you concerning William Charke, the sixth of December, and the first of February. And thus we bid you heartily well to fare. From Lambeth, this 13th of July, 1573.

Your loving friends,

MATHEW CANTUAR. W. FLETWOOD, recorder.
R. WINTON. R. WENDESLAYE.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 69.]

OWR humble duties remembred. Pleaseth it your honour to be advertised, that wher my lord of Cantorbury his grace, with certen other of the heighe commission, hathe directed ther lettres to Mr. vice-chancelour, commandyng hym to send up unto them Mr. Aldryche, of Benet College, and here to be bownd to make his personall apparance at Lambethe befor them. For as moche as we ar fully persuaded that to send hym thether by suche autorite shuld be agaynst the privilege of this Universite, lately by your lordsheps good meanes confirmed by parlament, and that this is the first act attempted sythens the said confirmatyon, and before that our privilegeis and libertees hathe taken place in the lyke case, we have thowght it our dutie thus moche to declare unto your lordshep, and also what order herupon we have taken with the said Mr. Aldriche, which is: upon his apparaunce befor Mr. vyce-chancelour and us, sufficient bond of ij *lib.* is taken of hym, with ij suretees, to appere from tyme to tyme befor Mr. vyce-

chancelor, to answer all objections in any matter. Which thyng beyng done, the said Mr. Aldryche requyred of Mr. vyce-chancelor, for as moche as the controversie now depending betwyx hym and certen of the felowes (as he said) is upon the breche of ther statute, and that your lordship as chancelor of the Universite is visitor ther to decyde all doupte and breche of those statutes, that both he and we wold signifie thus moche unto your lordshep; whiche accordyng to our duties we do, steyyng to do any thyng more heryn untill your pleasure be further knowen unto us. And thus, with our prayers to almighty God for the good preservation of your honor, we take our leave, enclosyng the words of our privilege in this our lettre. From Cambridge, the 13 of Julie, 1573.

Your lordsheps dayly orators to command,

THO. BYNG. ANDREW PERNE.
EDWARD HAWFORD. ROGER KELK.
JHON WHITGYFTE. HENRY HARVY.
THOMAS LEGGE.

THE COLLEGE TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 70.]

Honoratissimo domino nostro, domino Gulielmo Cecilio, baroni de Burgleih, summo Angliæ thesaurario et Cantabrig. acad. cancellario dignissimo.

QUI ad clavum sedet scientissimus gubernator navim rectam prospero cursu tenere non potest, nisi cæteris singulorum fortunis et officiis, cura, consilio, atque authoritate præsit. Eadem capitis ratio est, cui natura et imperium et tutelam dedit non confusam totius corporis, sed singularem vel minutissimæ partis. Nimirum id causæ est, honoratissime domine, quod cum tota hæc navis nostra, quæ literis magis quam remis navigat, te tam solerti gubernatore tot jam annis felicissime usa est, nos, qui in eodem

navigio turbulentissimis jactamur tempestatibus, tuum unius nutum atque authoritatem officiose et expectamus et petimus, tuumque ad arbitrium res et fortunas nostras libere et perlubenter devolvimus. Id causæ porro est quod ejusdem corporis membra, quantumvis minutissima, ad tuum unius quasi communis nostri capitis imperium et solertiam confugere et spe confirmati audemus, et officio coacti impellimur. Suscipe, petimus supplices, (gubernator prudentissime) curam simul navigantium: suscipe, solers et providum caput, clientelam tuarum partium, quæ jam pridem malo quodam obsessæ, alienam nunquam, nunc tuam et authoritatem et opem vehementer et effusis precibus petunt. Unum est quod subveremur, ne, indicta causa, cujusquam authoritati cedere cogatur veritas: hunc si scrupulum nobis eximas, qui nunc in salo et fluctu inquieti agitamur, deinceps securi in portu navigabimus. Hoc a te pluribus contendere iniquum censemus, ac importuni simus in eo quod a te ipso et æquitas et humanitas tua facile impetrabit. Deus optimus maximus amplitudinem tuam diutissime servet incolumem. Cantabrigia, e Collegio Corporis Christi, Julii 14, anno Domini 1573.

Honori tuo deditissimi,

THOMAS ALDRICH.	ADAMUS LANGWORTHE.
THOMAS ROBARDES.	JOHANNES SCOTT.
HENRICUS ALDRICHE.	HENRICUS LEWES.

ARCHBISHOP PARKER TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 38.]

SIR,—Yt maye please you, nowe certainely understanding the quenes majesties progresse to holde into Kent, and so to Caunterburye, that I am nowe altogether preparing to goe thether, to make my houses readye against her majesties comyng. And for that ye maye be called on to

declare the tracte of the shere, besides other suche bokes as I sent to your lordship for the same purpose, I nowe joyne an other treatise concerning Dovor; whether your lordship have it or no, I knowe not. But in such poyntes I had rather be to busye then to slowe in participating my trifles.

I understande that Aldriches matter is come before you. Bothe he and all the fellowes, by their subscripcions, referred the whole matter to my hearing, for all such causes as concerne that colledge. I thinke that it had bin better for him and the colledge causes to have bin ended by me in commission; for I doe knowe more then the whole Universitye dothe, whose priviledges yet I did not meane to hurte, as by this my lettre written to the vice-chauncelour you may perceyve. But when this jurisdiction is so deintely loked on, I feare it will turne to the hurte bothe of the whole Universitye, and specially to the utter undoing of that pore colledge. Surely, sir, his insolencye is to great; the childishe maliciousnes for his vaine tales, and his with his brothers ingratitude to me, besides their manifest precisianship, is to intollerable. Your lordships of the counsell comitted the hearing of the matter concerning some of St. Johns Colledg, in Oxenforde, of late to our commission, as alwaye the quenes auctoritye hathe bin used to the comoditye of bothe Universityes; althoughe yet in Oxenforde they have an ecclesiasticall commission besides, etc. I would thinges were so reformed, as maye tend to the quiet governement of the realme, otherwise I doe not much care for any jurisdyccion. And thus I commyt your good lordship to the tuycion of almightie God as my selfe. From my house, this xvth of Julye.

Your loving frinde in Christe,

MATTHUE CANTUAR.

ARCHBISHOP PARKER TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 39.]

To the right honorable my good lord, the lord treasorour of Englande.

I THANKE youe for sending of your lettres, which I retorne agayn unto your lordship. As for the letter which so doth charge youe, the trothe is, in my opynion, the man hath more zeale then wyt, or wisdom, or yet learning, and therfor I take his weighti advertismentes to be but *fulgur ex pelvi.* Surely, if this fond faction be applauded to, or borne with, it wil fall out to a popularytye, and, as wise men thinke, it wil be the overthrowe of all the nobylytie: thei be not onwyse or unskylful men that see the liklyhoode we have to do with such as neyther be conformable in religion, nor in liff wil practise the same. Both papistes and precisians have one mark to shote at, playn disobedience; som of symplycitie, som of wilynes and stubbornes. I marvell what prudence it can be, first to hewe thus at us; and certenly your self will shortly followe. Nowe I heare that my lord Cobham is com out of Kent to signifie that the mesils and the pockes reigne at Canterbery, and the plage at Sandwich. What it may meane, I can not tell. I was never in better redynes to go to Canterbery than at this tyme. My wyne, bere, and other provision be appoynted and sent thether; but yf I knewe hir majestie shuld not goo, I wold yet steye the rest of my cariage; for as in xv. yearis it shuld rejoyce me to see hir majestie at my house at Canterbery (for I weigh not so moche the cost), so wold I be loth to have hir parson put in feare or danger. I have red over the vice-chancellors letters, etc. and perceyve thei have ther whole trust in your honor, as moche caryng for ther libertyes, which in good faith I wold wer preserved, as gladly as any of them all wolde; and though your authorytie be nowe worthely to be regarded,

yet I feare a president wil ryse after youe that shall not be able to do as youe can; and that hir majesties commyssion maye stand and helpe ther privileges, I do not care who hath the hearyng of the controversie, so the college be saved, and lewd and monstrouse governance escape not awaye onreformed. It is but sleight, and ther cloke to shrowod them in, to clayme other mennys hearynges; the matter is to long to be set out in particularyties. I red ther childyshe letter, wherin I perceyve but homly invention; yet thei insynuat that our authorytie bi commission might, *indicta causa*, beare over a truthe; as though we have not to consider in this worlde our upright dealing, and forget that we be subject to the talkes of those irritable precisioners at Cambrige. Inded, Thomas Aldriche hymself, with all the felowes subscriptions in February last, wrat and referred that matter to me only, and aknowliged me to be most fyt to decyde this controversie, which thei touche for the sence of that statute (of the masters contynuance); som of those v. fellowes hath and do nowe lyve of my purse dayly, and yet craftines can pervert ther sensys. Iff I knewe hir majestie shuld not go into Kent, I wold then desier your honor that I myght be at the heryng of these controversyes, and yet wold I tary one weke longer to be good to my olde nurse the college; ther be many more controversies, wherof I am nowe enformed, than the dowbt of one statute. I wold the vice-chancellour, and one of the heedes more, were with us in your name to heare the matter debated, his insolency wold sone appeare. Mr. vice-chancellour might sone be entreated, for he useth to com up because his wiff is here; one other of the heades might com up with hym, Mr. Deane of Westmynstre. I might heare and report to your honor, because the heedes clayme your honor or the vice-chancellour ther visitours (I have set out all the wordes of the statutes which maye concerne this authorytie). Mr. Aldriche and one other of

his faction might com up with hym, the president of the house; one more of the fellowes against hym might also com up to prosequute ther complayntes. Sir, mete it is it wer ended; for it is a mere factious mater, and wil contynue the precisians and all others at varyance. For the most part of the heedes be agaynst Aldriche; he hath but one heed with hym; and though ther be subscribed v. felows in the letter, yet ther be vij. against hym. It is pety Mr. Whitgift shuld be one to com up, because he is occupied about his boke. Your self, sir Anthony Coke, myself, the bishop of Wynchester, be yet ther visitours; for the commyssion of visiting is not yet revoked. First, I and D. Meye dyd conciliat the old statutes, and reformed them in king Edwardes daye and visitation; and then your lordship, Mr. Coke, the bishop of Wynchester, D. Haddon, and I, subscribed to a reformation or supplye of those statutes, and put to the quenes seale. This Thomas Aldriche resigned up his prebend at Westmynster into the quenes handes about February last, and so it remayneth. I have ben so moche aschamed of his negligence, in that Westmynstre Churche beyng laubored for by me, that nowe I wold Mr. John Styl, bachiler of dyvynyte, wer in his [place], who is both wise, discrete, and learned, and of good credyt in London. Do in yt as ye thinke good; for I never entend to retorne the resignation (which I have by me) of that prebend to his use, whosoever maye have it. I have also caused the book of Dovyr to be examyned agayn and reformed, which here I retorne agayn to your honor; the last part wherof, *de warda castri*, etc., I had in an old auncyent boke. I perceyve by your letters that my lord of Leycestre is yet greaved; but I referr it to God: it maye be that I am to sharpe. Indeed, I meane well (as the surgian doth in admynistryng his corrosyer), and am not trayned up in the courtly eloquence; and I perceyve the court is now altered from that that I onys knewe yt in.

Wel, God be merciful to us all, that we maye spend our lyves to please hym. *Cætera valeant.*

Now that I see the lenght of my letter, I am ashamed; but you can sone defraye a babling letter. From my house, this xviijth of July.

Your evermore in Christ,

MATTH. CANTUAR.

LORD BURGHLEY TO THE VICE-CHANCELLOR AND HEADS.

[From MS. Harl. no. 7037, p. 289.]

To my very loving friends, the vice-chancellor and the residue of the masters of colleges within the University of Cambridge.

AFTER my very hearty commendations. I have received your letters, certifying me that my lord of Canterbury, with other of the high commissioners, have directed ther letters to the vice-chancellor to send up unto them one Alderiche of Benet College; which to do, you suppose to be against the privileges of your University, for as much as the knowledge and deciding of all your causes should appertain unto me as your chancellor; which I should have taken upon me myself, or else committed to some other to be ordered, if I had been made acquainted with the same in time. But now, considering the matter is before the high commissioners, whose authority is derived immediately from her majesty, that they have dealt in the cause already; as your privileges might be thought to suffer some prejudice if the matter should proceed to tryall before them alone, so it should be derogatory to her highness prerogative that I only might deal in your causes; I have conferred with my lord of Canterbury touching the cause, and moved him, to the end that as well her majesties prerogative as your privileges might be saved upright, that the matter might be heard and determined joyntly, by his

grace and others of the commissioners, and by some of your University; whereunto his grace hath assented. And therefore my advice is, that you write unto him, to know what time he will appoint for hearing of the matter; and that you, Mr. vice-chancellor, with two of the doctors or bachelors of divinity, of your University, do attend upon him, and the said Aldriche also, at such time as they shall appoint; forasmuch as I am informed the statutes of the college do so order it, in cases that cannot be decided by the master and the more part of the fellows. And that the charges of such as shall about this cause be employed shall be considered by some penalty, to be set on such as shall in tryall hereof be found the offenders. And thus, wishing a quiet end of this and all other controversies, for the better furtherance of your studies, and the good report of your government, I bid you most heartily farewell. At my house at Theobalds, this 18th of July, 1573.

Your loving friend,

W. Burghley.

ARCHBISHOP PARKER TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7037, p. 290.]

To my loving friend, Mr. Dr. Binge, vice-chancellor of the University of Cambridge, or to his deputy there.

Mr. vice-chancellor,—My lord treasurer, your chancellor, hath appointed you, with two senior doctors or bachelors of divinity, to attend upon us here, to hear the cause and controversy betwixt Mr. Aldereche and certain fellows of Corpus Christi College. This is to pray you to make your repair up hither so soon as you may; for that I have appointed my self, with as much convenient speed as I can, to purpose my journey to Canterbury, to attend upon her majesty in her progress. I have sent you the copy of the words of the college statute, which may direct

you, for such as shall come up unto us. Mr. Alderidge likewise is to be willed to come up accordingly. And when you be come to my house, we shall then signify unto you how we shall proceed. And thus I bid you well to fare. From my house at Lambeth, this 18th of July.

Your loving friend,

MATHEW CANTUAR.

ARCHBISHOP PARKER TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 40.]

To the righte honorable my good lorde, the lorde treasorour of Englande.

SIR,—I have received your lettres, and perceive in what doubtfulnes you be, whether such matters as are to be objected against Aldriche, bothe spirituall and temporall, for causes of religion, maye be hearde by the quenes majesties commissioners, by prerogatyve of her majesty, by auctho-ritye metropolicall, by their owne desires referring the interpretacion of the colledge statute to me, which nowe he goeth from; or whither all and singuler theis matters must be heard by the chauncellour or vice-chauncellour, and onely within the Universitye. And being in doubt whether your honour will have me to come unto you in what sorte, I would be glad to attend upon you, yf no prejudyce or hurte to our commission might growe, in yelding to them of the Universitie more then is nedefull, whose priviledges yet I woulde be as glad to maynteine as any of them. The causes of his disproving be many moe then I signified unto you, as shall fully appeare, either by my declaracion, if your honour will have me come unto you, as your prudence at this tyme shall thinke yt expedient, or by some other which I shall sende; as this my messenger, D. Acworthe, can somewhat saye for informacion. And thus holding myself in suspence, till I knowe your further pleasure, I

commyt you to God as my selfe. From my house at Lamhithe, this xxiijth of July, 1573.

Your loving frinde in Christe,

MATTH. CANT.

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 74.]

Honoratissimo domino, domino de Burghley, totius Angliæ thesaurario, et academiæ Cantabrigiensis cancellario summo.

QUANTA cura quantoque amore academiam nostram singulasque illius partes amplecteris, honoratissime Cecili, et antea sæpenumero experti sumus, et magis magisque quotidie intelligimus. Quippe qui nulla, quamvis sane et procuratione immensa et numero infinita istius regni negotia, tanti apud te esse pateris, quin aliquid temporis academiæ dignitati libenter impertias, et quasi subsecivas horas ejusdem tuendæ propugnandæque libertati religiose devoveas. In quo quidem fortissimorum principum imitaris exemplum, qui non tantum ut partis hinc inde agris et urbibus ditiones suas auctiores reddant elaboraverunt, quantum solliciti sunt, ut honorifice parta fortiter tueri ac propugnare possint. Quæ tua laus est, illustrissime Mæcenas, tibique soli debita, qui non modo magnarum nobis immunitatum inventor et author extitisti, quod sane per se illustre est et gloriosum, sed earundem etiam defensor acerrimus esse voluisti, quod divinæ cujusdam virtutis esse solet, id est, tuæ. Ut enim cætera omittamus, quanti illud existimare debemus? domi quiete residere? sedibus nostris non exturbari? ab amplexu matris academiæ non eripi, non vi auferri? publicos istos totius regni quasi lictores non perhorrescere? externorum tribunalium insolentiam non pati, non timere? nostrorum tantummodo judicum sententiis obedire et acquiescere? Ista te authore ac procuratore digna, nostra expectatione multo

majora, sicut per te adeptos et consecutos nos esse meminimus, ita etiam tua solius opera eisdem, cum alias semper, tum etiam hodie gaudere ac frui nos. Cum a dignissimo viro D. Bingo, procancellario nostro, vicario tuo, audivissemus, Deus bone, quanto gaudio suffusi sumus? quanta cum voluptate memoriam tuam celebravimus? quanto studio, amore, pietate, cancellarium nostrum, regni thesaurarium, academiæ thesaurum prosecuti sumus? quam nos tali duce ab omni externo impetu satis munitos, ab omni interna fraude ac machinatione satis defensos, beatos denique ac felices censuimus? Isto modo affectos nos, et quasi gestientes, hæc una cura sollicitos tenuit, quibusnam verbis honori tuo pro tantis meritis dignas gratias ageremus: quas cum nullo modo referre nos posse et scimus et confitemur, habemus certe et maximas et immortales; nosque et nostra omnia divinæ protectioni tuæ subjicimus, Dominumque Jesum supplices obtestamur, ut te, si non sempiternum, at diuternum tamen et reipublicæ et nobis conservare velit. Vale. Dat. Cantabrigiæ, e senatu nostro, 3° Kalend. August. 1573.

Honori tuo perpetuo devinctissimi,

Procancellarius et reliquus senatus Cantab.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 76.]

To the right honorable and our singular good lorde, the lorde thresorour of England, at the court.

Our dutifull thankes for your lordships continuall goodnes toward this whole Universitie most humbly premised. According to your lordships appointment, wee have called before us the master and company of Benet College; wee have heard their complaintes and causes of controversie, and have entrid to consider the state of that house; and

now, to make report to your honour of our proceedinges, may it please the same to be advertised, that towching the principall difference betwene Mr. Alderiche and the fellowes (viz. whether the sayd Aldriche, being not qualified according to the statute, may still nevertheles reteine his mastershipp), after diligent weighing of the sayd statute, and hearing what might be alleged in his defence, wee enclyned in opinion to this point; that as the like statutes are in sundry colleges, binding the collegiates to be qualified diversly, for not accomplishing wherof some heretofore have either voluntarie relinquished, or been put from their roumes; and considering again how daungerous a thing it weare to admitte the contrary example in one howse to the speciall prejudice of a great number, so likewise weare wee in this case induced to think that the plaine meaning of that statute is, that whoso hath not the qualitie required, is not to occupy and enjoy the place; nevertheles for as muche as by the parties consentes hertofore (as most of them have confessed), the resolucion of the sayd doubt was referrid to the judgment of th'archbishopp of Canterbury, wee have thought it not amisse to follow that course, as well to satisfie his grace in the behalfe of our late sute (wherby wee ment only to defend our privileges, and not to withdrawe from his graces hearing any private matter which before had been orderly committed unto him), as also and chiefly for that your honour, not without great consideracion, as wee verily take it, eftsones advised Aldriche to ensue that way. To the whiche effect wee have addressed our lettres to his grace, not doubting but as he hath a singular care for the good estate of that howse, so he will determine in this cause accordingly: for our owne partes wee thought best not to sett downe any definite sentence therin, unles your honours spedy advise shall otherwise direct us. The blessid God long preserve your lordship in most prosperous estate, to

his good pleasure and our chiefe comfort. At Cambridge, the viijth of August, 1573.

Your lordships most bounden,
humbly at commaundment,

THO. BYNG. ROGER KELK.
ANDREW PERNE. JHON WHITGIFTE.
EDWARD HAWFORD.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 17, art. 81.]

To the right honorable and my singular good lord, the lord thresorour of England.

WITH the humble remembraunce of my bounden duetie, I am to advertise your honour of certaine late dealinges here emong us, not unlike to those which happenid in the beginning of my yeare; I meane in matter of preaching. One Myllane, of Christes College, a minister and master of arte, making a sermon on Sonday last, in St. Maries churche, emong many other thinges entred to discourse of the ordering and making of ministers; of fasting on saintes eves; of keping their days festivall; avowching these conclusions:

1. That th'ordering and making of ministers now used in the churche of England is a horrible confusion, and contrary to the word of God.
2. That ignorant ministers are no ministers.
3. That to commaund sainctes eves (as th'apostles and the Virgin Mary, etc.) to be fasted, is abominable idolatrie.
4. That to commaund the same sainctes days to be kept and observid as holy days, is abominable idolatrie.

For the whiche his assertions, very slendarly proved,

and yet with greate vehemency uttered, I thought good to call him to an accompt with some spedines, lest longer differring might brede more styrre in busie headdes. Wherfore yesterday I caused him to appeare before me and other assistantes the masters of colleges, where being charged with this doctrine, he acknowledged and confessed the same in every poynt, as I have here sett downe; but being demaunded by what groundes of Scripture he could justifie it, he aunswered that he had allready shewid that in his sermon, and what he had there sayd, he had sayd; and sure he was that he had taught nothing but the truthe of God, and therof his conscience could beare him witnes. Other aunswere then this to any effect he would make none, saving that he used to us divers declamatory exhortacions, that wee would receive the truthe which he had utterid and not resist it, with much more adoe. Whereupon wee procedid with him according to our statutes, charging him to revoke the sayd articles of doctrine, as not justifiable by the word of God and repugnant to the lawes, and tending to the breache of charitie, whiche ought chiefly to be mainteyned in Christian societie. Wherunto being often required, for that he utterly refused to condescend, wee could doo no les but execute upon him the payne of the statute: whiche is, the losse of his college and of the Universitie.

The briefe extract of his sermon I have here enclosed, committing the larger report therof to this bearar, Mr. Howland; who not only was present at the same, but also tooke paynes in the afternoone to resell his sayd errors. Thus praying the Allmightie for your lordships long prosperitie, I committe the same to his most blessed tuicion. From Clarehall, this Wednisday, the vijth of October, 1573.

Your lordships unworthie deputie,
humblie at commaundmant,
THO. BYNG.

First, That ignorant ministers were no ministers, bycause they were not chosen by God; for they which were chosen by God, them God had allwais endued with understandinge sufficient: but in those were fownd no suche sufficiencie; therfore theie were no mynysters.

Secondlye, That other mynysters, which were bothe sufficient to answer there charge, and allso redye and willinge to take uppon them the charge of the mynisterie, were partlye rejected from the function by the cleargie, partlye not called therunto. It is not lawfull to admitte him into the ministerie which cann not preache; and therfore ther is invented a newe mynisterye, namlye, a readinge mynysterye.

Thirdlye, That the cleargie of England do not onlye not advaunce and sett forwarde the edyfienge of the churche, but as muche as lyeth in them (and this poynt he did exaggerat merveylouslye) they do deface, hynder, and plucke downe the same, in mayntayninge bothe advoultrye and idolatrye. First, advoultrie was divers ways boulstred, contrary to Gods worde, by the popes lawe called the canon lawe. Consideringe that by the canon lawe, yf a mann or woman be never so grevouslye suspected of advoultrye, yf the partie bringe forthe xij. to sweare that they thincke he hathe not commytted that crime, he is by and by cleared, wherby manie adultries are bolstred.

A mynyster not beinge rightlie caled by the congregation, is no mynyster.

He that is negligent, and mayntaynethe the officialls, is no mynyster; and so owghte of the people to be accompted. Againe, they mayntayne idolatrie, in allowinge and defendinge holie days of saintes and fastinge of the evens.

Fourthlye, That the common sorte of the cleargie, which (allthoughe they had lerninge) were eyther negligent in teachinge or preachinge, or dissolute in theyr lyf, were no preachers nor mynysters before God; and so he per-

swaded the people to take them; urging as an ernest and effectuall reason therfore, that they could shewe no proof of ther preachinge; chalenginge any of them owte to shewe what one soule they had wonne by ther preachinge; affirminge that xij. diligent menn woulde do more good in all England then all the preachers that nowe be.

Fyftlye, That owre calinge of the mynysters was not lawfull, because they were not caled to anye ordinarie function, nor to anye certayne place of the mynisterie, but were made (as he saide some of them made their excuse) pastors of Englande, not of any privat and certayne place; which he sayd was cleane preposterouslye done, and that rather a pastor of England might make the byshope of Lincolne, then the byshope of Lincolne might make a mynyster of England.

The prince admittinge a byshope, calethe him to an ordinarie function. What said I? to a function.

He stoode vearie muche uppon that poynte, to perswade the people that ther was no mynyster nowe, and that they oughte to looke to the matter, yt beinge so wayghtie, and their soules beinge uppon yt.

DECREES OF THE HEADS.

Feb. 8°. 1573. Mulcta absentium a lectionibus ordinariis.

Cum mulcta nulla assignetur pro absentia magistrorum in artibus, et superiorum graduum, nec non baccalaureorum in jure civili et medicina, absentium ab ordinariis lectionibus; sancitum et decretum fuit, 8° Feb. A.D. secundum computum ecclesiæ Angl. 1573, per Joh. Whitgift, S. T. P. almæ Universitatis Cantabrigiensis procancellarium, doctores Hawford, Kelk, Chaderton, et Harvey, magistros Shepheard, Legg, Norgate; quemlibet præmissorum ab-

sentem a lectione pro prima vice mulctandum duobus denariis, pro secunda vice 4 denariis, pro tertia 8 denariis, pro quarta 16 denariis; et pro quinta vice pro judicio vicecancellarii mulctandum, castigandum, et puniendum. Et prædictæ mulctæ dimidiam partem ad utilitatem ejus collegii, in quo sic delinquens habitat, applicandam, alteram præconibus cedere.

Item, iisdem die et anno sancitum et decretum fuit auctoritate prædicta, collegii cujuslibet decanos magistrorum defectu, primarios lectores mulctandos esse in quatuor denariis toties quoties non assignabunt monitores, qui singulis diebus schedulam absentium a lectionibus, etc. bedellis traderent.

Item, iisdem die et anno decretum est, illud solum tempus reputari et numerari posse pro completione terminorum ad gradus suscipiendos, a quo nomina scholarium in catalogo et albo alicujus collegii sine dolo malo inscribuntur; et omne tempus in quo nomina non inscribuntur, ut præmittitur, pro nullo haberi, etsi scholares commorantes in domibus laicorum quotidie ordinarias lectiones audiverint.

An order taken the 29th day of May, 1574, by Mr. vice-chancellors deputy and his assi[stants], that no scholar, of what degree soever he be, shall resort or go to any play or g[ames], either kept at Gog-Magog Hills, or elsewhere within five miles of Cambridge. 29 May, 1574.

Imprimis, It is ordered and decreed, that all and every scholar being of or in the fellows commons, and found at the place where the games be or shall be played, or within one half mile of the same place, in the day time, shall forfeit and pay six shillings and eight pence; and being admonished by any of the proctors, or their deputys, or bedels, if he or they depart not immediately, but tarry one other admonition, then to lose and forfeit other six shillings

and eight pence; and so consequently to lose, for every time so often as he shall be warned, six shillings and eight pence. But if any be found there in the night season, after eight of the clock, then to forfeit and pay twenty shillings so often as he shall be found.

2. Item, All and every other scholar under the fellows commons shall forfeit and pay (being offenders) in all points the like mulcts, or sustain such other punishment as the vice-chancellor or his deputy, with three assistants, shall decree and appoint.

3. Item, It is ordered and decreed, that all the foresaid pecuniary mulcts shall be required, asked, and incontinently payed by the tutors of all such offenders as shall be pupils. And if the said tutors shall refuse to pay the same, the goods of the said tutors shall immediately be distressed and taken for the payment of the said mulcts. And all other shall, of their own goods, at the requiring of it, pay the said mulcts, or be likewise distrayned by their goods.

4. Item, It is ordered that the said mulcts shall be divided into three parts, whereof the one shall go to the University, the second to the several colleges whereof the offenders shall be, and the third to the proctors and bedells.

5. Item, For the better execution and observing of all and singular the premisses, it is likewise ordered and decreed, that both the proctors, or their sufficient deputies (allowed by the vice-chancellor or his deputy), and some of the bedels, shall daily give their attendance at and about the place of the games, to see all and singular the premisses duly [and] straitly observed.

Decr. Præf. in Univ. Stat. p. 457.

INTERPRETATION OF A STATUTE.

Jun. 11°, 1574. De disputationibus pro gradu S. T. B.

Cum in statutis regiis capite octavo contineatur, ut qui voluerit esse baccalaureus in theologia bis disputet contra baccalaureum theologiæ; et jam dubitatur, an duæ oppositiones contra magistrum in artibus in quæstionibus theologicis, juxta ordinem statuti in capite 26° expressum, sufficiant ei, ac si cum baccalaureo theologiæ disputasset; hanc dubitationem tollentes, 11° Jun. anno Domini 1574, Tho. Bing, LL.D. venerabilis viri Jo. Whitgift, S.T.P. vice-cancellarius deputatus, Drs. Hawford, Mey, Chaderton, Harvey, Ithell, et Mr. Legg, sequentes tenorem, vim, et sensum statuti in capite nono et 26°, declaraverunt, censuerunt, et interpretati sunt, octavum caput sic intelligendum et interpretandum, viz. quod hujusmodi disputationes theologiæ factæ et habitæ contra magistros artium, juxta ordinem dicti statuti in capite 26°, tam prosunt disputanti et opponenti ad gradum baccalaureatus in theologia obtinendum, ac si cum baccalaureo theologiæ disputasset.

GRANT FOR A NEW STREET.

[From MS. Arundel. no. 54, fol. 228.]

A grant made to the Universitie of certain groundes by the archbisshop of Canterburie, towardes the erection of a new streete, now called the Universitie Streete.

This indenture tripartite, made the sixte daye of August, in the sixtenth yeare of the raigne of our most gracious soveraigne ladie Elizabeth, by the grace of God queene of England, Fraunce, and Ireland, defendour of the faith, etc., betwene the most reverend father in God, Matthewe, by

Gods providence archbisshopp of Canterburie, primate of England and metropolitane, on the one partie, and the chauncellour, maisters, and scholers of the Universitie of Cambrige, on the seconde partie, and Robert Norgate, clerke, master or keeper of the colledge of Corpus Christi and of the Blessed Marie in Cambrige, and the felowes or schollers of the same colledge, comonlie called Bennett Colledge, of the thirde partie; witnesseth that the saide most reverend father hath geven and granted, and by theis presentes doth geve and graunt, to the said chancellour, maisters, and scholers of the said Universitie, and to their successours for ever, all that his grounde lying in the newe made streete now called the Universitie Streate, which hee the said most reverend father late purchased of the provost and felowes of the Kinges Colledge in Cambrige aforesaid. And further witnesseth, that where the saide Robert Norgate, master of the saide college of Corpus Christi and of Blessed Marie, receaved and had afore hand of the saide moste reverend father Mathew, archbisshopp of Canterburie, a certayne somme of good and lawfull money of England, whereof by theis presentes the said master and fellowes, or schollers, do acknowledge themselves well and truelie contented and paide; in consideration whereof the said master and fellowes, or schollers, of Corpus Christi Collegde and of Blessed Marie aforesaid, have geven and granted, and by these presentes for them and their successors do geve and graunt, to the said chancellour, maisters, and scholers of the Universitie of Cambrige aforesaid, and their successors for ever, all and everie the parcell of grounde being and lyinge in the sowth streete called the Universitie Streate, lying in the towne of Cambrige, in the countie of Cambrige, partly betwene the two bricke walles in the parishe of greate St. Maries, nigh the markett place, and partie betwene their new buildinges there, the east heade abutting on the kinges high waie there, the breadth whereof at that ende is xxiiij.

foote and two ynches; and so in length, from the easte to the west heade, abutting upon the schoole lane, viij^{xx}. xvij. foote and three ynches, the bredth whereof, at the said west heade, betwene the bricke wall on the north and the bricke wall on the southe, is xxviij. foote one ynch and halfe an ynche, with all and singuler postes and rayles contayned therein. Which said Universitie Streate the saide master, fellowes, and schollers, for them and their successors, doe covenaunte and graunt to and with the saide chancellour, masters, and scholers, and their successors forever, well and sufficiently to mayntaine and keepe in good reparacions, with all manner of stone, sand, and workmanshippe, at their proper costes and charges, at the monition of the vice-chancellour for the tyme being, and in like manner, from tyme to tyme, to repaire the bricke walles, with the like coping of the same walles, as well those that stand of both sides of the saide Universitie Streate, as those that stand right over against the Universitie schooles, on both sides of the schoole gate there. And also shall, from tyme to tyme, repaire and mayntaine all such bookes as the said most reverend father hath alreadie geven, or shall hereafter geve, to the Universitie library, with claspes and bynding necessarie and convenient, which said bookes are to be placed at the north ende of the said Universitie librarie, in certaine lockers apointed for the same; and shall alsoe mayntaine and repaire the chaines of so many of the said bookes as be alreadie chained there. And the said master and fellowes, or scholers, do covenaunte and grant, for them and their successors, to and with the said reverende father and his successors, and to and with the said chancellour, masters, and schollers of the Universitie of Cambrige, and their successors, that as often as theie, the said master and fellowes, or scholers, of Corpus Christi Colledge aforesaid, and their successours, shall faile in repayring the said Universitie Streate, the walles and coping of the same, as is

above saide, and in repairing and amending of the said bookes, as before is expressed, and geven the said Universitie librarie, within fortie daies after monition geven to them by the chancellour or vice-chancellour of the said Universitie for the time being, shall, for everie moneth after such monition, the premisses not being repaired, forfeite and paie, in the name of a paine for everie weeke, to the said chancellour, maisters, and scholers of the saide Universitie, and their successors, iij*s.* iiij*d.* And furthermore, the said most reverend father, Mathew archbisshop of Canterburie, hath geven and granted unto the said master, fellowes, and scholers of Corpus Christi Colledge and Blessed Marie in Cambrige, and their successors for ever, the reasidewe of all the saide grounde lately purchased of the said provost and fellowes of the Kinges Colledge, as by his indenture quadripartite thereof made, bearing the date with these presentes, more plainelie maie appeare. In witness whereof to everie part of theis presentes the parties abovesaid have put to their seales, the daie and yeare above written.

✠ Habetur in archivis Universitatis in publica forma sub sigillis confecta.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 19, art. 19.]

To the right honourable and our singular good lorde, the lorde Burghley, lorde treasurer of England, and chauncelour of thuniversity of Cambridge, at the courte.

After our most humble commendacions unto your honour. Wheras we were requested, as well by the letters of the right reverend father in God the bishopp of London, as also by the earnest desier of this bearer, Philipp Bignon, a Frenche man, to certefie your honour of the behaviour

and diligence in reading that this bearer doth use in Cambridge; theis shalbe to signifie to your honour that the forsaid is of honest and quiete behaviour so farre fourth as we doe knowe, and doth reade the Hebrue lectour for Mr. Wakefild verie diligently and sufficiently. Thus, not having further to trouble your honour, we commend the same in our praiers to the tuicion of the Almighty. Frome Cambridge, the xth of November, 1574.

Your honours dailie oratours,

ANDREW PERNE. WILLIAM HAWES.
ROBERT NORGATE. RYCHARD JACKSON.
ROBERT WEST. ROBERT GARRETT.
JAMES COLE.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 19, art. 20.]

To the right honorable and my singuler good lorde, my lorde Burghley, lord treasorer of England and highe chauncellour of the University of Cambridge.

MY duty in most humble wise remembred unto your honour. Whereas it hath pleased allmyghtie God that I should be chosen this yere the vichaunceller of the Universitie, whereof your honour is most worthie head and singuler patrone, I take it my most bounden dewty to enforme your honour of the state thereof, especially in this tyme of sicknes, knowinge the singuler care the which your honour do bear to the good government and well doinge of the said Universitie. Allthough I have of late, in twoe severall lettres, given your honour understandinge of the nomber of those which have dyed of the plage this yere, sithence the begynnynge thereof untill this daie, and in what severall parishes theie have dyed, the first beinge

sent to your honour by Mr. Redman, the reader of Powles in London, the other by a Frenchman, the reader of the Hebrewe lecter in Cambridge; yet for that the said plage is not as yet sesed, but in the beginnynge of this weke past did begyn againe to be dispersed in other places then it hath been heretofore, we were put in great fear thereof, of the which I thought to give your lordship understandinge at this tyme; sithence which tyme (thankes be to God) there hath non dyed of the plage, so far fourth as I understand. Allthough we must confesse that our symes is the principall cause of this and of all other plages sent by allmightie God, yet the secondary cause and meanes is that God did use to bringe the same, so far fourth as I do understand, is not the corruption of the ayer, as the phisitians saieth at this tyme, but partlie by the apparell of one that cam from London to Midsomer fayer and dyed of the plage in Barnwell, where the plage hath been and is most vehement. The other cause, as I conjecture, is the corruption of the Kinges ditch; the which goeth thorough Cambridge, and especially in those places where there is most infection, the which I will procure, so sone as we shall have any hard frost, to be clensed. There was order taken at the begynnynge of the plage by Mr. Doctour Whitegifte, then vice-chancellour, with the consent of the heades of the colleges, for the breakinge upp of the colleges, and for the forbearinge of any common assembles untill after Christmas; and that such scollers as should remaine in the colleges should kepe there gates shut for the avoydinge of the company of those that be infected with the plage, the which do go abrode both in the daye tyme and in the night tyme, though there be never so good and streight order taken by us for the shetting upp of the dores of those howses the which be infected, havinge all necessaries provided for them and their famylie, as well in Cambridg as allso in Barnwell. It

appearith that the poore folkes in the townes of Cambridge and Barnwell, seinge the good provision that is made for the relief of such as be infected with the plage, that there desire is the contynuance of the same; and some other be of that perverse judgment that one Christian ought not to avoide the company of another that is infected with that diseas of the plage, the which naturally as a poyson doth infect, except it pleasith allmightie God of his goodnesse otherwise supernaturally to dispose the ordenary operacion of his creatures. Some in Cambridge beinge alive did attempt God in this sorte, are dead of the plage at this tyme, to the utter distruction of their whole howshould and infecting of divers others. As the University hath in this tyme of discontynewinge susteyned greater losse in their lerninge then in the healthes of their bodies; for sithence the begynnynge of the sicknesse (thanks be to God hitherto) there hath not twoe schollers been sicke of the plage; soe the townesmen have well lerned in this tyme of the absence of schollers what great benefite theie receive by the University, withowt whome the most parte of them do nowe confesse that theie should not be able to live. I am in good hope that allmightie God, whoe hath of his justice striken both them and us for our amendment, that of his mercy he will here our humble peticions, and staye this grevous plage, that we maye all studye to serve to the setting fourth of his glory. I do send to your honor a breif note of such as have died of the plage in Cambridge hitherto, with a mappe of Cambridge; the which I did first make principally for this cause, to shewe howe the water that cometh from Shelford to Trumpington ford, and from thence nowe doth passe to the mylles in Cambridge, as appearith by a blewe lyne drawne in the said mappe from Trumpington ford (withowte anie commoditie), might be conveighed from the said Trumpington ford into the Kinges ditch, the which waie as appearith

by a red lyne drawne from the said Trumpington ford to the Kinges ditch, for the perpetual scouringe of the same; the which would be a singuler benefite for the healthsomnes both of the Universitie and of the towne, besides other commodities that might arise thereby. I do trust in allmightie God, and I do greatly desire to see this thinge once brought to passe, which hath been of longe tyme wished for of many. And thus I praie allmightie God longe to preserve your honour in most godly and honorable prosperitie. From Cambridg, this xxjth of Novembr. 1574.

Your honours most boundant dayly oratour,
ANDREW PERNE.

This bearer, Mr. Baxster, can shewe your honour the foresaid twoe lynes in the mapp drawne from Trumpington ford.

I am enformed that there is sute made to the quenes majestie by some of her highnesse privie chamber for Sturbridg faire, for that it hath stand seased unto her highnes hand sithence the tyme of the raign of her highnes ffather; the which if it might please her highnes to bestowe of the University, there might be such a worthie and perpetuall monement made by the rent thereof as her majestie did most gratiously promise at her last beinge at Cambridg in her highnes oration made there, and the townesmen that be nowe occupiers thereof, yeldinge a reasonable rent to the University for their several boothes. Thus I am bold to put your honour in mynde of this; referringe the whole matter to your honours best consideracion, to do herein as you shall thinke good.

THE ECCLESIASTICAL COMMISSIONERS TO THE UNIVERSITY.

[From MS. Harl. no. 7037, p. 285.]

To our loving friend, Mr. Dr. Perne, vice-chancellor of the University of Cambridge.

After our hearty commendations. We send you herein enclosed certain articles exhibited unto us by one Alexander Stevenson, minister of Mildenhall, in Suffolk, against Will. Butler, of Clare-Hall, and others, touching the misdemeanor used towards the said Stevenson, as by the said articles more plainly appear; and have thought good, for the avoiding of the trouble and charge of the said parties dwelling so far of, and partly in respect that most of them are scholers of the University, to direct these our letters unto you, and withall to require you to call before you, by your letters or otherwise, as well the said Butler and the rest of the persons named in the said articles, as also the said Stevenson, and thereupon to onerate the said Butler and the rest with a corporall oath, and afterwards secretly and severally to examine upon the said articles and circumstances thereof; whose answers being taken, and the same considered, we pray you, by your good wisedome, to use your discretion to make reconciliation and quiet end betwixt the said Stevenson and the rest, so as there be no just cause of any further complaint, if you can; or else to signify to us in whome the fault is, together with the answers of the said parties, and all other your proceedings herein, taken against the 21 of April next, subscribed with your hand and sealed with your seal; so as thereupon we may take such further direction as shall appertain. And so we bid you heartily farewell. From London, the 13th of Feb. 1574. Your loving friends,

Ed. London. J. Hammond.
Tho. Watts.

THE UNIVERSITY TO LORD BURGHLEY,

FOR AN ORDER TO ADMIT STRANGERS TO DEGREES.

[From MS. Lansd. no. 19, art. 67.]

Honoratissimo domino, domino de Burghley, totius Angliæ thesaurario et academiæ Cantabrigiensis cancellario dignissimo.

Si ex legislatoris consilio et prudentia legum dignitas ponderari, sique ex legum dignitate felicitas reipublicæ pendere solet, ut illæ demum optimæ sint leges, quæ ex prudentissimi legislatoris mente proficiscantur, illaque respublica sit optime constituta, quæ optimis legibus gubernetur; næ nos quidem (ornatissime Cecili), quibus tam prudens legislator, tam bonæ leges contigerunt, nobismet-ipsis gratulari, et tibi, qui legum tam præstantium tam præstans author esse voluisti, summas certe gratias agere debemus. Dum enim in universam academiam cogitationes nostras altius intendamus, singulasque illius partes lynceis quasi oculis perlustremus, nihil certe cuique reipublicæ sive utilitatis et commodi sive dignitatis et ornamenti ex legibus suis accidisse reperimus, quod academiæ nostræ tua unius opera, consilio, authoritate accumulatum esse non invenimus: sive enim pax inter cives atque concordia bonarum legum fructus sint et effecta, sive virtuti condigna præmia, sive delictis debita supplicia, quibus respublica omnis continetur, ex bonis legibus, tanquam ex fonte, permanent; per te (ornatissime) his omnibus frui et gaudere nos non tam jucunde persentiscimus, quam libenter ac libere profitemur. Nam et amputata sunt jampridem dissentionum capita, et pax optatissima studiis nostris est reddita, et sua virtutis studiosos expectant præmia, et sua delictis impendent supplicia: nullus apud nos fucis et ignavis est locus; nullus nisi benemerentibus conceditur gradus; nullus nisi dignis et idoneis habetur honos. Quæ omnia academiæ tam salutaria, omnibus nobis tam fruc-

tuosa, per tuam solius prudentiam cum ad nos perveniant, est sane, cur tibi, tanquam salutis et dignitatis nostræ authori, serio gratulemur, nosque etiam, te principe et gubernatore, beatos esse et sentiamus et prædicemus. Ista tua pro nostris rebus cura tam anxia, ista sollicitudo tam sollicita, hic tuus in totam academiam amor singularis, hic animus in singulos academicos vere paternus, in causa est, illustrissime Mæcenas, ut priusquam pro præteritis in nos beneficiis tuis gratias egerimus, cum nova petitione ad prudentiam tuam veniamus: a qua nihil est tam magnum quod non ausi simus petere, nihil tam arduum quod non speremus obtinere. Inter multas non tam salutares quam necessarias a regia majestate nobis nuper propositas leges, unam quidem experientia nos docuit paulo esse severiorem; quæ omnem scilicet a nobis in gradibus concedendis dispensandi facultatem omnino adimit; quæ omnes ritus, ceremonias, exercitationes ab hominibus nostris ad literarias dignitates promovendis necessario requirit. Quæ sane, si interpretationem suam admittat, si ad eos referatur qui præsentes nunc in academia degunt, qui publicas scholas quotidie frequentant, qui singulis suæ facultatis exercitiis interesse debent, æqua quidem lex est et bona: et non tam propter utilitatem quam secum apportat, quam propter necessitatem, quæ ipsi legi originem dedit, a nobis admittenda atque approbanda, ne fucis nimirum, ignavis, et nihil agentibus, nostræ dignitates obviæ sint, quæ non nisi dignis et industriis patere debent. Sin vero eandem etiam ad eos extendas, qui a nobis recesserunt, qui et in academia cum magna dignitate, et in reipublicæ luce cum non mediocri laude versati sunt, qui eruditionem suam non Cantabrigiæ modo sed universo pæne huic regno testatam fecerunt; eosque singulis etiam vel minimis scholarum nostrarum exercitiis astringas, et non tam mentem quam verba legis sequaris; vide, omnium optime atque amantissime patrone, dum istos viros rejiciamus (toties autem

rejicimus, quoties nec illi libenter nostra onera velint subire, nec nos quicquam illis possimus remittere), ne non satis splendori ac dignitati nostræ consulamus, qua tibi nihil charius, nihil antiquius esse persuasum habemus. Istius ergo statuti mutationem aliquam, seu potius mitigationem postulamus: ut sine ulla nimirum, sive fidei nostræ labe, sive legum violatione, peregrinis ad nos et amoris et honoris causa venientibus aliqua istarum exercitationum remissione gratum facere; eaque mansuetudine plures, et pietate insignes et scientiarum cognitione excellentes, ad academiam nostram possimus allicere. Quod si nobis prudentia atque authoritate tua effectum dederis, Cantabrigiensem academiam non modo ornamentis suis satis illustrem, sed externis etiam luminibus decoratam multoque efficies illustriorem. Hoc autem quo modo quave ratione fieri possit, literis nostris neque scribendum tibi, neque præscribendum esse censuimus, ne tibi alioqui occupatissimo nimis molesti videremur. Illud totum, quicquid sit, præsenti doctoris Whitgift sermoni reservavimus: cui ut tantum fidei accommodes quantum litteris nostris adhibendum censeres vehementer a te multumque contendimus. Vale. Datum Cantabrigiæ, 11° Kalend. Mart. 1574.

Tui honoris studiosissimi,
Procancellarius et reliqui collegiorum præfecti.

INTERPRETATIO STATUTI.

Mar. 26°, 1575. De gratiis concedendis.

Cum interpretatio, explicatio, et determinatio ambiguorum et dubiorum omnium, quæ aliquando in statutis academiæ orta fuerint, virtute eorundem statutorum ad cancellarium et majorem partem præfectorum collegiorum pertineat, ac in calce, sub titulo *de gratiis concedendis*, sic habetur,

"decernimus, ut nulla gratia, quæ proponetur in scholis, dispensationem habeat quamcunque; et si secus fiat, gratiam illam irritam et inanem esse volumus;" quæ verba a multis varie accipi solent: nonnulli enim de gratiis illis tantum quæ proponuntur pro regimine, lectionibus, negotiis, ac aliis causis publicis Universitatis intelligere volunt: alii ad exercitia scholastica ac temporum diuturnitatem, quæ in gradibus suscipiendis fieri jubentur, illa verba trahunt: sunt porro qui gratias quidem omnes hisce verbis complectuntur, verum quæ pro gradu peti solent, eos tantum astringere qui in Universitate commorantur; alios autem qui nuper hic studuerunt, ac per graduum susceptionem specimen eruditionis suæ dederunt, sed nunc extra Universitatem vitam degunt, sub illis verbis, ex æquitate legis, non contineri putant. Quorum dubitationem tollere cupientes, mentem legislatoris potius quam ipsum verborum corticem secuti, cum benignius leges sunt interpretandæ, quo voluntas earum conservetur (voluntas enim et ratio legis esse videtur, ut digni et non alii ad gradus admittantur); nos, Will. Cecilius miles, dominus Burgley, summus thesaurarius Angliæ, ac almæ Universitatis Cantab. summus cancellarius, ac præfecti collegiorum ibidem quorum nomina subscribuntur, maturo et deliberato judicio posteriorem sententiam amplectentes, interpretationem nostram hoc modo interponimus atque declaramus: nullam viz. dispensationem in gratiis concedendis admittendam esse sive in aliquo negotio Universitatis, sive in gradu aliquo concedendo his qui in Universitate moram trahunt; cum aliis vero qui alibi vixerint, ac aliquando in Universitate literis ac aliis exercitiis scholasticis incubuerint, ac gradu magisterii artium seu baccalaurei juris aut medicinæ insigniti sunt, quorum doctrina ac vitæ probitas academiæ nota est, per quæ etiam nonnulli ad dignitatem ac functionem ecclesiasticam vel civilem in republica pervenerint, quoniam plerumque variis suis negotiis impediti

examinationi literariæ per statuta requisitæ interesse non possunt, post exactum tempus ab hujusmodi gradu suscepto in statutis præfinitum, dispensari potest; ita tamen ut hujusmodi dispensatio non antea capiti proponatur admittenda, quam consensu majoris partis præfectorum collegiorum, nec non majoris partis omnium doctorum in eadem facultate in Universitate tunc præsentium per manuum suarum subscriptionem approbetur. Et qui fuerint ita admissi proximis comitiis intersint, ac in aliquo collegio juxta academiæ consuetudinem convivent. Aliter concessa gratia sive dispensatio juxta tenorem ejusdem statuti omnibus suis viribus carebit.

Datum 26° Mar. anno regni Eliz., Dei gratia Angliæ, Franciæ, et. Hib. reginæ, fidei defensoris, etc. 17°, anno Domini 1575.

GULIEL. BURGHLEIUS, canc. acad.	HEN. HARVEY.
AND. PERN, procan.	THO. ITHELL.
EDW. HAWFORD.	THO. BING.
JOHN MAY.	ROGER GOAD.
JOHN WHITGIFT.	JOHN STILL.
JOHN YOUNG.	THO. LEGG.
WM. CHADDERTON.	ROB. NORGATE.

GRACE OF THE SENATE.

1575. Jurent procuratores et scrutatores deputati.

CONCEDITUR Maii 6°, cum procuratores et scrutatores sæpe propter negotia sua privata abesse cogantur a congregationibus et aliis publicis muniis academiæ, ut eorum substituti et vicarii jurejurando astringantur ad bene et fideliter peragendum eorum officium, antequam aliquid in præmissis pertractent.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 20, art. 74.]

To the right honorable and our singuler good lorde, the lorde Burghlye, lord treasourer of Englande, and chauncelour of the Universitie of Cambridge.

Whereas it hathe pleasid your lordship to commende unto us one Mr. Phillip Bignon for the Hebrue lecture, yt maye please yowe to be advertysed, that wee woulde gladlye have satisfied your requeste, if the partie had benn eligible. But the statute of the lecture dothe requyre that hee shoulde bee master of arte at the leaste, which hee is not, neither yet hathe hee any other degree of schole, and our statutes heare woulde not permytt us to receyve hym into that or any such like degree. The statute of the lecture also dothe bynde us to preferr the fellowes of Trinitie Colledge (*cæteris paribus*): and by diligent examinacion and tryall wee have founde there one Mr. Lyvely vearye fitt and mete for that place, who is *unanimi consensu* of all the electors chosen thereunto, being not onlye vearye towarde in that tongue, but also in all other artes and qualities requysite for that reader, of whome the Universitie generally hathe a vearye good opinion. We therefore humblye beseach your lordship to accept our doinges, being accordinge to statute, to the encouraginge of others that travaile in that tongue (wherein wee fynde dyvers of vearye excellent towardnesse), and to the honor and commendacion of this Universitie, which hathe, God be thancked, manye as fitt to occupye the places of all the ordinarye lectures as there is of any other cowntry. Wee wilbee glad, notwithstandinge, for your lordshipps sake, to helpe the said Phillip wherein wee maye, which hee shall well perceave if he use himselfe accordinglye. Thus, with our hartye prayeres unto almightie God for your lordship,

wee committ yowe to his blessed tuicion. At Cambridge, the sixte of Maye, 1575.

Your lordshipps to comaunde,

Edward Hawford.	Jhon Cooke.
Jhon Whitgyfte.	Robert Garrett.
Robert West.	Thomas Smyth.
James Cole.	

DECREE OF THE HEADS.

Jun. 1°, 1575. De auctoritate proc. in comitiis et electione patris.

Decretum fuit, 1° Junii, 1575, per Doctorem Pern, vicecancellarium, Doctores Hawford, Whitgift, Bing, et Legg, præsidentes Coll. Regal., Joh., Corp. Christi, Pembroke, et Magd., electionem eorum qui disputarent et responderent in maximis comitiis spectare solum ad seniorem procuratorem; et juniorem proc. eandem habere auctoritatem in die cinerum: sed electio patris in maximis comitiis est penes inceptores illius anni.

CASE OF MR. MIDDLETON OF QUEEN'S COLLEGE.

STATEMENT OF MR. MIDDLETON'S CASE.

[From MS. Lansd. no. 20, art. 76.]

Whereas we have a statute in oure colledge, beinge the Quenes Colledge in Cambridge, in this forme folowinge: *Statuimus et ordinamus quod quilibet socius, baccalaureus in artibus hujus collegii, procedat ad gradum magisterii in*

eadem facultate infra quatuor annos immediate sequentes ejus determinationem, sub pœna amissionis suæ societatis ipso facto. These are therefore to testifie, that the laste yeare, 1574, Mr. Mideltones grace to proceade master of arte was propounded accordinge to ordre amonge the master and fellowes, he havinge done and perfourmed all his actes in the schooles which were to be required for that degree; but that was denied him by the master and moste parte of the fellowes, and he finallie staied without anie cause alleadged againste him. Wherefore he, to avoide the daunger of the statute which tended to his undoinge, with testimonie of learned and godlie men of this Universitie to Doctor Umphrey, and to other of the Universitie of Oxforde, he repaired to Oxforde, where he proceaded master of arte, thinckinge by this meanes to have satisfied the statute before mentioned, and to have avoided daunger. But now, anno 1575, on Fridaie, after one of the clocke, beinge the eighte daie of Julie, the master and fellowes meetinge together by apointement of the master in the chappell of the saide colledge, propounded the matter to be considered, commaunding Mr. Midelton oute, the which we take to be injurious. The master and the greater parte of the fellowes havinge by statute authoritie to interprete the statutes, the master demaunded of the fellowes whether that statute was locall; that is, whether those that were fellowes in the colledge were bounde onelie to proceade in Cambridge, and no where els. To the which the master and more parte of the fellowes agreed; but some were of the contrarie judgment, shewinge that then the master and fellowes coulde graunte licence to none to procead in anie other place, having no authoritie to dispense with anie statute, and that it was probable that the master himself was the laste yeare of that judgment; because that after he had finallie staied him at Cambridge, he laboured also to staie him at Oxforde, firste in not gevinge him licence

to go forthe of Cambridge, untill he by admonition of two of the senior fellowes was urged thereunto; secondlie, in that after he had given him leave, he wrote an uncharitable letter to Doctour Umpfrey, to have discredited Mr. Midelton there also. Moreover, it was alleadged that if that statute were locall, according as he interpreted locall, yet Mr. Midelton was no cause of the breach thereof, labouring by all meanes to perfourme the same, and no man is bounde to an impossibilitie. Further, it was alleadged that, as before a favorable interpretation was made for saving the master from daunger in not making an election in tyme accordinge to statute, the like interpretation might here for safegarde of a fellowe be admitted, the wordes being alike, althoughe appertaining to severall and distincte thinges, *procedere ad electionem* and *procedere ad gradum magisterii.* Lastlie, it was alleadged that the practise before in Doctor Stokes his time might be an interpretacion to the statute, and therefore neaded now no newe interpretacion, when as one Mr. Rastall, according to his owne desier, being not able to beare the charges of that degree, was staied till the yeare followinge, kepinge and enjoyinge neverthelesse his fellowship. Notwithstandinge these allegacions, the master and moste parte of the fellowes determined upon this interpretacion: *Anno Domini millesimo quingentesimo septuagesimo quinto per præsidentem et majorem partem sociorum declaratum fuit, quod omnes illi gradus ad quos suscipiendos singuli socii suo ordine tenentur, juxta vim, formam, et effectum statuti de processu sociorum a gradu in gradum,* cap. 32, *in academia hac nostra Cantabrigiensi tantum, et non alibi, sunt suscipiendi, sub pœna in eodem statuto præscripta; et quod procedere ad gradum magisterii in artibus est in eadem facultate determinare juxta modum et formam hujus academiæ.* And as before theie had staied him from his degree, and nowe agreed to this interpretation, so laste of all they agreed to expell him for not proceadinge accord-

ing, as they saie, to the statute. And calling him into the chappell, the master asked him whether he had commensed in Cambridge; to the which when he had answered, no, then oure master gave sentence declaratorie againste him, and removed him from his fellowship. Mr. Midelton trusted that the master and fellowes woulde not deale so hardelie with him, requestinge theire frendship; but nothinge woulde move them; wherefore he was driven to the laste refuge, which was his appellation. Then the master purposing to make suer worke, and quite to displace him, gave immediately an admonition preparatorie to a newe election; and the morning following the seconde admonicion, where it was shewed to the master that *pendente appellatione nihil est innovandum*, and that the interpretacion determined of them the daie before did not pertaine to Mr. Midelton, but to those that shoulde proceade hereafter, etc., and therefore the saide Mr. Midelton to remaine fellow still, and no place to be voyde; the master saide he woulde answere his doinges, and so departed for that time. The daie following, betwene fowre and five in the afternone, the fellowes being called together, Mr. Midelton, thoroughe advise and counsell, as fellowe went in amongest them into the chappell; the master commaunding him out, he answered that he might not without prejudice of his cause. In effecte the master went out of the chappell, commaunding all the fellowes to waite on him to his chamber, willing Mr. Midelton to come into his chamber if he durste; and there in his chamber at that time he gave the thirde admonicion to the election, whereof by some of the fellowes it was alleadged as before. On Monday following, in the morning, at 7 a clocke, the fellowes were warned to mete in the chappell; at what time the master going to the Lordes table, called up accordinge to statute the two senior fellowes to be with him in the scrutinie, where the two seniors admonished him *in virtute juramenti* to observe

the statute, not to procede to an election before a place was voide; at the which the master staied communicating the same to the rest of the societie, differringe the finishinge of the election untill he shoulde have furder counsell. This is the summe and effecte of that which in this matter hathe hetherto bene done. In witnesse whereof we, parte of the societie there present, have subscribed oure names to this testimoniall with oure owne handes, the 12 of Julie, 1575.

Robert Soome. Henrie Goade.
Edmund Rockrey. Andrew Arnold.
Raphe Jones.

THE FELLOWS OF QUEEN'S COLLEGE TO LORD BURGHLEY.

[From MS. Lansd. no. 20, art. 76.]

Honoratissimo viro, domino de Burghley, summo Angliæ thesaurario, et Cantabrigiensis academiæ cancellario dignissimo, hæ tradantur.

Non ita pridem (illustrissime vir) eo confidentiæ processimus, ut cum honore tuo per literas nostras liberius colloqueremur, quibus scilicet id potissimum tibi significavimus, Middeltonum quendam in loco valde lubrico versatum, de salute et statu suo periclitari, ad quem vindicandum ab eis quæ jam tum imminebant periculis tuam imprimis facilitatem imploravimus; ex quo quidem accidit (amplissime vir) Middeltonum in lubrico (ut diximus) versatum jam nunc eo discriminis adductum esse, ut de sua statione et sede non dimoveri modo, sed dejici potius videatur. Julii enim 8° D. Chadertoni et quorundam sociorum consensu, suæ societatis, in quam prius ascriptus fuerat, jus omne sibi quasi e manibus extortum habuit. Utrum vero id jure an injuria factum fuerit, honori tuo, ad quem Middeltonus appellatione usus confugit, judicandum relin-

quimus. Rem autem universam, quemadmodum hactenus gesta est, in duabus schedulis vere et perspicue descriptam acerrimo judicio tuo subjecimus. Illam idcirco inprimis, qua semper in judicando usus es, ἐπιείκειαν expectamus, jus ipsum, quemadmodum soles (clarissime vir) æquitate causæ metiare; summisque precibus ab honore tuo contendimus, ut Middeltonum hunc misere afflictum et dejectum prorsus, auctoritate tua recreare tandem velis et erigere, atque ex omnibus jactationum fluctibus ad portum aliquando perducere. Æternus Deus amplitudinem tuam tueatur, et nobis reique publicæ conservet incolumem. Cantabrigiæ, 19° Julii, anno Domini 1575.

Amplitudini tuæ deditissimi,

Robertus Soome. Henricus Goade.
Edmundus Rockrey. Andreas Arnolde.
Rodolphus Jones.

THE FELLOWS TO LORD BURGHLEY.

[From MS. Lansd. no. 20, art. 75.]

A testimoniall concerninge Middleton, of Queens Colledge in Cambridge. The seconde testimoniall for my lorde treasurer.

Seynge that in a former testimonyall we have sett downe the summe and effect of the masters and more parte of the fellowes dealinges against Mr. Mydelton, omyttinge the enlarginge of somthinge for brevyties sake; yet nowe seinge that in one or two poyntes the whole issue of the matter seameth cheefly to consist, we are constrayned further in this to enlarge these poynts. The firste is, that the master and more part of the fellowes thinke yt unlawfull by our statute for Mr. Mydelton to appeale, and that thay have an absolute jurisdiction, not to be called before any judge; in mayntayninge of the which liberty thay purpose to stande. We, on the contrary parte, thinke

otherwyse, moved so to judge by the wordes of our statute (ca. 10), whiche are these: *Quarto, jurabis quod si contigerit te, ob demerita tua, expelli ab hac societate, per sententiam præsidentis et majoris partis omnium sociorum, nulla appellatione nec alio juris remedio contra eos vel eorum aliquem uteris.* Whereupon yt followeth, that yf any be expelled *non propter demerita*, he may lawfully appeale, or use any other remedy by lawe, to be restored agayne: the which is Mr. Mydeltons case, he takinge himselfe to be expelled *non propter demerita*, desiringe to have the matter examyned and tryed. And that thay have no suche absolute authoryty as thay chalenge, not to be called before any other judge, appeareth by the wordes of this statute (ca. 26): *Si discordia oriatur inter præsidentem et socium vel socios hujus collegii, teneatur idem præsidens convocare socios tribus vicibus, idque interpositis tribus ad minus diebus, ut illi inter se (quod maxime optamus) hujusmodi controversiæ finem imponant; verum si nec tum eam tollere queant, tunc tenebitur tam præsidens quam socii prædicti stare judicio cancellarii et majoris partis præpositorum collegiorum, sub pœna privationis et expulsionis a collegio ipso facto.* But if thay, by any one of our pryvate statutes, had suche a priviledge (as thay have not), yet the newe statutes gevethe authorytye to the chauncellour of the Universyty to determyne upon all causes (ca. 42): *Cancellarius potestatem habebit ad omnes omnium scholasticorum atque etiam eorum famulorum controversias summarie et sine ulla juris solennitate, præter illam quam nos præscribemus, secundum jus civile, et eorum privilegia et consuetudines, tum audiendas, tum dirimendas.* Abrogating all other statutes contrary to those, as apperethe, ca. 50: *Statuta omnia, compositiones, et consuetudines, quæ Scripturis Sacris, institutis nostris, aut istis statutis, adversari videbuntur, abrogata et rescissa sunto, reliquis suo robore permansuris.* Therefore Mr. vice-chancellor, as it may seame, laboringe to represse the masters

unjuste proceadinge to an election *pendente appellatione*, gave him an inhibition that he shoulde ceasse to proceade in his election: the which no doubt he woulde not have don, yf he were not of this judgement, that it were lawfull to appeale, and that of right my lorde treasurer might judge and determyn of the matter, willinge Mr. Some to signifye unto his honour what he had don in the matter. Further, the master himselfe seamed before that to allowe of the appellation, in that he stayed the fynyshinge of the election at the admonytion of two of the senior fellowes; for otherwise he might have safely proceaded. The seconde poynt ys, that the master and fellowes have proceaded against Mr. Mydelton upon their interpretation of the statute, the which, accordinge to the judgment of the wisest and most learned in the lawes of this Universytie, cannot appertaine to Mr. Mydelton, but to suche as shall proceade after the makinge of the same: *lex trahi non potest ad præterita.* And as Mr. Some hath learned of Mr. vice-chauncelour, who was somtyme fellowe of our colledge, the practise of that statute before tyme hath bene contrary to their interpretation now sett downe; for Sir Thomas Smythe, beinge fellowe of the colledge, proceaded doctor of the civill lawe in Padway, continewenge nevertheles fellowe. This is that which we thought necessary to ad to the former; to the which we, in like sorte, have subscribed our names with our owne handes, the 19th day of Julye.

Robert Soome. Henrie Goade.
Edmunde Rockrey. Andrew Arnolde.
Raphe Jones.

ORDER OF THE PRIVY COUNCIL

AGAINST SCHOLARS BEING PRESENT AT PLAYS.

[From MS. Lansd. no. 20, art. 52.]

The coppie of a lettre sent from the lordes of her majesties most honorable privie counsell to the vice-chancellour of Cambridg, as touchinge the restraininge of the common assembles of her majesties subjectes within five myles of Cambridge, occasioned by open showes and other such meanes otherwise then is usuall by the lawes of the realme; with signification of theire pleasures to have the same communicated with the justices of the countie for the better observacion of theire honors good meaninge therin.

After our verie hartie commendacions. Consideringe that the Universities of this realme, wherof in the whole there are but two, have at the first beene instituted principallie for the norture and educacion of a multitude of youth in good maners, learninge, and Christianitie, and likwise for the maintenance and sustentacion of such as should there teach all liberall sciences, and exercise the studie and profession of divinitie; and for that purpose, besides the greate and auncient privileges graunted unto both the said Universities for theire comforte, it is requisite that all other good meanes be used to preserve them in peace and quietnes, and to keepe them free from all unlawfull assembles, tendinge to riottes and rowtes, and from other disordered light attemptes, that might disturbe or withdrawe the studentes from there learninge, studies, and profession, or that might bringe infection of populer diseases to the same. We beinge informed verie crediblie of some attemptes of light and decaied persons, who for filthie lucre are minded and do seeke now adayes to devise and sett up in open places showes of unlawfull, hurtfull, pernicious, and unhonest games nere to that Universitie of Cambridge, do consider that it cannot be but a greate number of the

youth and others of the same may be therby inticed from there ordinarie places of learninge to be beholders, learners, and practisers of lewdnes and unlawfull actes; and that allso which in this speciall time of so generall an infection of the plauge is to be regarded, that thereby great assemblies of vulgar people should be made, whereby the infection of the plauge might be brought to that Universitie; as latelie it was vere greviouslye, and so customed by disorder to a great decaie of that Universitie, though now, by Gods goodnes, with some good order of the rulers there, ceased. Therefore we, to whom, amongst other publique affaires of this estate to us by her most excellent majestie committed, cannot but counte this allso to belonge to our chardge, to wish, devise, and procure all meanes of good successe, increase of learninge, and prosperitie to the Universities, and to withstand all trobles, disorders, and decaies therof, do will and chardge you the vice-chancellour, and with you all others as well of the Universitie as of the towne, or of the countrie within five miles circute, that are either by her majesties commission or by charter justices of peace, to have good regard that in no wise there be from henceforth anie open showes made or suffered by colour of anie licences of justices or others, to procure assemblies wherin anie maner of unlawfull games shalbe exercised; nether yet anie assemblies in open places of multitudes of people be suffered to be made within that Universitie and towne, or within five myles compasse, but such as by the lawes of the realme are usuall, as for preachinges and exercises of learninge, or for faires and markettes, or for administracion of lawes and execucion of justice, or such like beinge for private exercises of the youthes, meete and usuall for theire recreacion. And this our letter, and the whole contentes thereof, we will you the vice-chancellor speedelie to communicate with the maior of the towne of Cambridge and his bre-

theren, and with all other beinge justices of peace and dwellinge within five myles of that Universitie, whom all both generall and particularlie by thes our lettres being read unto them we will and require, and in her majesties name do chardge and commaunde you to consulte, accord, and agree in one good minde to the due observacion hereof, accordinge to our good meaninge, and not to omitt anie other good, civill, and charitable order for the preservacion of the Universitie and towne from daunger of infection of the plague; or at the leaste, if anie shold happen, yet then by some foresight to provide to staye the same from increasinge and spreding abroade to the farther decaie of learninge, dissolucion of studie, and to the keeping backe or drivinge away of such as otherwise should come togither, to be tought and brought up in good and godlie learninge. And so we hope you and all the rest of the justices of peace will not onlie upon this our zealous admonicion and expresse chardge, but upon your owne wise consideracions of the importance hereof, be carefull, vigilant, and as cases shall require straite and severe in the observacion of the premisses. And so we bid you hartelie farewell.

From Windesor, the xxxth of October, 1575.

Your loving frinds,

William Burleigh.	F. Knolles.
T. Sussex.	James Crofte.
F. Bedford.	T. Smith.
R. Leycester.	Fr. Walsingham.

GRACE OF THE SENATE.

Nov. 3°, 1575. Ne scholares jusjurandum fidelitatis præstent villæ Cantab.

Cum jusjurandum a scholaribus cancellario, magistris, et

scholaribus Universitatis Cantebrigiæ præstitum, et jusjurandum ab oppidanis præstitum majori villæ Cantebrigiæ, ballivis, et burgensibus, diversa, contraria, et nullo modo convenientia esse videantur; et tamen nonnulli, haud formidantes perjurii periculum, non ita pridem utrisque fidem suam astrinxerint, in magnum animarum suarum periculum et multorum offensionem: placet vobis, ut singuli qui aut nunc sunt, aut qui in posterum futuri sunt ex gremio Universitatis, qui posthac, accepti beneficii et educationis immemores, se per sacramentum suum communitati villæ Cantebrigiæ (quasi in aliam coloniam traducendi) consociabunt, tanquam degeneres filii, ab omni societate, privilegio, et gradibus scholarium ipso facto priventur. Et quod vice-cancellarius pro tempore existens, postquam sibi innotuerit, aliquem deinceps præstitisse hujusmodi juramentum fidelitatis villæ Cantebrigiæ prædictæ, in proxima congregatione regentium et non-regentium publice pronunciabit privationem prædictam regentibus et non-regentibus tunc præsentibus. Et si contingat aliquem oppidanorum, libertates, privilegia, aut consuetudines Universitatis impugnare, aut gravem ingratitudinem adversus academiam, scholares, aut eorum famulos exhibere, et super hoc judicio procancellarii et majoris partis præpositorum collegiorum et aliorum doctorum tunc in Universitate præsentium convictus fuerit; placet vobis, ut cum hujusmodi ingrato seu ingratis nullus scholaris, aut sub privilegio scholarium hic degens, contrahat, emat, aut vendat, sub pœna centum solidorum, communi cistæ academiæ solvendorum toties quoties in contrarium huic decreto aliquid attentabit. Et ut hæc vestra concessio pro statuto habeatur, et infra decem dies proxime sequentes in procuratorum libris describatur.

DR. PERNE TO LORD BURGHLEY,

ON QUITTING HIS OFFICE OF VICE-CHANCELLOR, AND ENCLOSING A COPY OF THE FOREGOING GRACE.

[From MS. Lansd. no. 17, art. 64.]

To the right honorable and my singuler good lorde, the lorde treasorer of Englande, and highe chauncellor of the Universitie of Cambridge.

After my most humble commendacions unto your honorable good lordeshipp. Theis maie be to rendre unto yow my hartie thankes for your honors singuler great freendshippe, declared in your last lettres bothe to the Universitie and allso unto me, prayinge God to make us thankfull for the same accordinglie. This grace, the which I sende to your honor here inclosed, is graunted by the whole Universitie with such a good likinge, that if every one in the same had twentie voyces, theie would give them towardes the furthering thereof, the which shalbe observed allwaies hereafter as a statute in the Universitie, the which I did procure to be graunted before the determynacion of my office.

This daie we mynde, by Godes grace, to chose Mr. Doctor Still, the master of St. Johns, to be my successor into the saide office of your honors vice-chauncellor, whoe, thankes be to God, and unto your honor for your honorable assistinge me at all tymes whensoever I had nede, he shall receive the Universitie in very good order and quyetnesse, the which I praie Good longe to contynewe, to the settinge fourth of the glorie of God, and the mayntenaunce of true religion and Christian obedience in this church and commonwealth of England. I do humblie praie your honor to stand good lorde to this bearer, Mr. Norgate, in his sute that he hath unto your honor, and what your honors pleasure shalbe to commaunde me to do in the same advouson.

Your lordshippe shall commaunde me assuredly in that or in any thinge that shall lye in my poore power to do duringe my lyfe. And thus I commende your honorable good lordeshippe in my hartie praiers unto allmightie God into his most blessed tuycion. From Cambridge, the fourthe of this Novembre, 1575.

Your honors most bounden daylie orator,
ANDREW PERNE.

LETTER TO LORD BURGHLEY,

FROM THE MASTER AND FELLOWS OF CORPUS CHRISTI COLLEGE, ON THE SETTLEMENT OF THEIR DISPUTES.

[From MS. Lansd. no. 17, art. 86.]

Honoratissimo clarissimoque viro et domino, domino Gulielmo Cecil, domino de Burglay, summo Angliæ thesaurario et academiæ Cantabrigiensis cancellario dignissimo.

LITERAS tuas, honoratissime domine, ad præfectum nostrum datas, ad eundem tunc temporis ruri commorantem quamprimum perferendas curavimus. In quibus quidem literis, quanquam nihil adhuc certi relatum sit, nisi summam quietis atque otii spem nobis ipsi reponamus, inique simus de summa prudentia atque auctoritate tua judicaturi. Quæ spes nos, omnis moræ prorsus impatientes, impulit, ut honori tuo perinde gratias ageremus, ac si jam confecta res esset. Ac certe quocunque modo res ceciderit, ingens tamen beneficium acceptum fatemur ingenue palamque profitemur: eoque magis, quod is qui pæne solus universam rerum administrandarum molem sustinet, aliquid tamen longe patentis bonitatis suæ vel afflictis musis impertire dignatus sit. Cujus beneficii fructus non ad nos solum, sed ad gratam posteritatem uberrime quoque permanabit. Quocirca premi nos officii pondere plane sentimus, sic ut verba pæne nobis desint, quibus dignas honori

tuo gratias agamus. In summa proinde facultatum verborumque penuria, utemur iis quæ vel egentissimis semper in promptu esse possint, assiduis videlicet ad Deum nostrum precibus, ut qui te in excelsissimo loco constituerit, idem velit honorem tuum in eodem statu quam diutissime permanere, et æquare vitæ tuæ spatium cum iis bonis quæ maxime sunt expetenda, quibus te affluentem atque abundantem ætas nostra libentissime videt. Deus optimus maximus honorem tuum et nobis et reipublicæ quam diutissime servet incolumem. Cantab., e collegio Corporis Christi, Decemb. 27, anno Domini 1575.

Honori tuo devinctissimi,

Henricus Aldrich. Franciscus Kett.
Robertus Swett. Samuel Bird.
Henricus Lewes. Daniel Chester.

ACTS OF PARLIAMENT

RELATING TO THE UNIVERSITIES.

[From the Journals of Parliament, 18th Eliz.]

House of Commons.—Sabbati, vicesimo quinto Februarii, 1575.

The bill for maintenance of the colleges in the Universities, and of the colleges of Eaton and Wynchester. The first reading.

Veneris, secundo Martii, 1575.

The bill for maintenance of the colleges in the Universities, and of Eaton and Wynchester. The second reading.

The bill against the buying and selling of rooms and places in colleges, schools, &c. The first reading.

Jovis, octavo Martii, 1575.

The bill against buying and selling of rooms and places in colleges and schools. The third reading. *Jud'm.*

The bill for maintenance of the colleges in the Universities, and of Eaton and Wynchester. The third reading. *Jud'm.*

The four bills, viz. the two bills touching the colleges in the Universities, and of Eaton and Wynchester; the bill for repairing of bridges and highways near Oxeforde; and the bill for the adjournment of the sessions of the peace in the county of Middlesex; sent up to the Lords by Mr. Secretary Smythe and others.

HOUSE OF LORDS.—Die Jovis, 8° Martii.

Hodie introductæ sunt a domo communi 4 *billæ:*

Prima, for maintenance of the colleges in the Universities, and of Winchester and Eaton, *quæ* 1ª *vice lecta est.*

Secunda, against the buying and selling of rooms and places in colleges and schools, *quæ* 1ª *vice lecta est.*

Die Veneris, 9° Martii.

Item, 2ª *vice lecta est billa* against the buying and selling of rooms and places in colleges and schools.

Item, 2ª *vice lecta est billa* for the maintenance of the colleges in the Universities, and of Winchester and Eaton.

Die Sabbati, 10° Martii.

Item, 3ª *vice lecta est billa* for the maintenance of the colleges in the Universities, and of Winchester and Eaton.

Eodem die (10° Martii) tempore post meridiano.

Item, 3ª *vice lecta est billa* against the buying and selling of rooms and places in colleges and schools, *quæ conclusa est.*

[This bill did not receive the royal signature.]

HOUSE OF COMMONS.—Sabbati, decimo Martii, 1575.

Mr. Serjeant Barham and Mr. Doctor Vaughan do bring

from the Lords two bills with amendments and provisoes, which were passed this house, viz. the bill for repairing and amending of the bridges and highways near Oxeford; and the bill for maintenance of the colleges in the Universities, and of Eaton and Wynchester.

Lunæ, duodecimo Martii, 1575.

[Several bills] were sent up to the Lords by Mr. Secretary Smyth and others, with the bill also for the maintenance of the Universities, and of the colleges of Eaton and Wynchester, to be reformed in the amendments of their lordships in the same bill.

ACT OF PARLIAMENT FOR THE MAINTENANCE OF COLLEGES.

[Statutes of the realm, 18th Eliz. chap. vi.]

An acte for the maintenaunce of the colledges in the Universityes, and of Winchester and Eaton.

For the better maintenaunce of learninge, and the better relief of scollers in the Universities of Cambridge and Oxforde, and the colledges of Winchester and Eaton; be it enacted by the quenes majestie, the lordes spirituall and temporall, and the commons, in this present parliament assembled, and by thauctorytie of the same, that no master, provoste, presydent, warden, deane, governour, rector, or chief ruler of any colledge, cathedrall churche, halle, or howse of learninge in any of the Universities aforesaide, nor no provoste, warden, or other hed officer of the saide colledges of Winchester or Eaton, nor the corporacion of any of the same, by what tytle, style, or name soever they nowe be, shall, or may be called, after thende of this present session of parliament, shall make anye lease for lief,

lieves, or yeeres, of anie ferme, or anie their landes, tenementes, or other heredytamentes, to the which anie tythes, errable lande, meadowe, or pasture, dothe or shall apperteigne, excepte that thone thirde parte at the leaste of tholde rente be reserved and paide in corne for the saide colleges, cathedrall churche, halles, and howses; that is to saye, in good wheate after vj*s.* viij*d.* the quarter or under, and good malte after v*s.* the quarter or under, to be delivered yerelie uppon dayes prefixed at the said colledges, cathedrall churche, halles, or howses; and for defaulte thereof to paye to the saide colledges, cathedrall churche, halls, or howses, in readie money, at the election of the saide lessees, their executours, administratours, and assignes, after the rate as the beste wheate and malte in the markett of Cambridge, for the rentes that are to be paide to the use of the howse or howses there; and in the market of Oxforde, for the rentes that are to be paide to the use of the howse or howses there; and in the market of Winchester, for the rentes that are to be paide to the use of the howse or howses there; and in the market of Windesore, for the rentes that are to be paide to thuse of the howse or howses at Eaton; ys or shalbe solde the nexte markett daye before the saide rente shalbe due, withowte fraude or deceipte. And that all leases otherwise hereafter to be made, and all collaterall bondes or assuraunce to the contrarye, by anye of the saide corporacions, shalbe voyde in lawe to all intents and purposes. The same wheat, malte, or the money cominge of the same, to be expended to the use of the relief of the commons and diett of the saide colledges, cathedrall churche, halles, and howses onlie; and by no fraude nor collour lett or solde awaye from the profitt of the saide colledges, cathedrall churche, halles, and howses, and the fellowes and scollers in the same, and the use aforesaide, upon payne of depri-

vacion to the governour and chief rulers of the said colleges, cathedrall churche, halles, and howses, and all other thereto consentinge.

Provided alwayes, that this acte, or anye thinge therein conteyned, shall not extende, or be in anye wise prejudiciall, to any lease to be made of a barn called Mouncken Barne, with a certeine porcion of tythes rysinge, growinge, and beinge in the parishe of Sowthweeke, in the countye of Sussex, beinge parcell of the possessions of Mawdeleyn Colledge in Oxforde, so that the tearme demysed in and by the saide lease exceede not the number of tenne yeeres from and after the feaste of St. Mychaell tharchangell nexte cominge; anye thinge therein especified to the contrarie notwithstandinge.

Provided also, that this acte shall not extende to any lease to be made by the president and scollers of the college of St. John Baptiste in Oxforde, to any heire male of Sir Thomas White, late knighte and alderman of London, fownder of the saide colledge; which lease shalbe made accordinge to the meaninge of the foundacion and statutes of the saide colledge of the mannor of Fyffett, and no other hereditamentes.

DR. WHITGIFT TO LORD BURGHLEY.

[From MS. Lansd. no. 23, art. 13.]

To the ryght honorable and my singuler good lorde, the lorde Burghley, lorde treasuror of England.

I HAD forgotten at my last being with your lordship to move you in one matter towching the Universitie, not unworthy to be consideryd. Yt pleasyd her majestie (and that, as I thingk, thorow your lordships persuasion) to stay that acte wych was against the byeng and selling of fellowships and scholerships, etc.; which surelie was verie gra-

tiouslie done; for yt wold have remayned to all posteritie as a perpetuall note of ignominie to both the Universities, and also have bene a great slander to the gospell, bysides that the fawlt of some colledges shold have semyd to be common to the rest. But unlesse yt shal please your lordship to procure that some strate order may be against such corruption, the stayeng of that acte wyll the rather animate those that are evle disposed to goo on forward in there corrupt dealing; for yt can not be denied but that such corruption hathe bene usyd in some colledges, evne in Chambridge, thowgh yt be directly contrarie to there othe and statutes; and yt ys to be fearyd lest the example of some do cause others to chalendge unto themselves the lyke libertie, especiallie in these dayes, wherein men are so much bent to unlawfull and extraordinarie gaine. Yt also beginnith now to be an ordinarie practise for fellowes of colledges (when they are not disposed to continew) to resynge up there fellowships for somes of monie, which as yt is slanderus to the Universitie, so ys yt against all good dealing, and in tyme wyll be the cause of much evle. Wherefore yf yt shal please your lordship, ether by your letters to the Universitie, or otherwise, as you shal thingk best, to gyve strayt charge against all such kynde of dealings, I truste that the thing wylbe reformyd. I have, to the uttermost of my power, delt with the companie for Mr. Haywood to have Enfeld vicaridg; but I can not prevayle. They have a generall myslyking of hym; and the benefyce beeng of some vallew, they are loth to lett goo there interest, especiallie in these dayes, wherein competent livings are so hard to be directlie obteyned. I can not urge them, especiallie against statute; but yf Mr. Heywood can be content to take St. Michaells in Chambridg, I wyll obteyne yt for hym, and further my self help him the best I can. But he ys so wylfull, that no reasonable offer wyll serve hym; nether can I move hym to anie good order.

Wherefore I beseche your lordship not to thingk anie thing in me, yf he styll continew in hys importunitie. I beseech God to blesse and kepe your lordship and all youres. The 28 of March, 1576.

To your lordship moste bounde, and ever
to commaunde,

JHON WHITGIFTE.

MR. FAULKNER'S SERMON AGAINST THE UNIVERSITY.

[From MS. Lansd. no. 23, art. 45.]

The contentes of a sermon made by Mr. Faulkener in the chappel, the 24 of Julye, by occasion wherof the master D. Still findethe himselfe greaved, and woulde have the partye punnished.

THE texte, ad Roma. 12, *Ne sitis prudentes apud vosmetipsos.*

After I had spoken of great abuses and faultes comitted in doctrine and religion, alleaginge the cause of them to be wisdome in our owne conceytes, I saide I woulde not travell further in them, for that I had more necessarye thinges to speake; for as by the reason hereof it hathe byn greatlie offended in doctryne, so have there byn, and are, great offences made and committed in manners; and that I seeke not to speake of other men, let us examyne our owne doinges. From whence have byn, ar, and wilbe (excepte it be warelye and wiselye prevented), so manye broyles, suche strife and contentions, but that we ar leade with our owne wisdome? All with Abraham saye (Gen. 13), I praye you let their be no strife betwene us. The master he will saye to the seniours, I praye you; and the seniours they will saye, We beseache you; and thus either part with Abraham is contente to saie, I praye you: but for

to cut of thoccasyon they strayne courtesye who shoulde begine; neither will willinglie with Abraham yelde. We reade that Abraham yelded to Lott; but, on the contrarye parte, if Lott be contented to yelde muche of his righte to Abraham, excepte he will gyve more then he thinkethe by right and conscience he maye, Abraham will not be contente.

Thucidides, *non est turpe domesticos domesticis cedere, nec amicum amico, vicinum vicino, propter tranquillitatem; plus enim sæpe commodi affert cessio, quam stricti juris persecutio.* We have good ordinances and statutes, which oughte to rule and overrule us all; and by them it is carefullye provided that our strifes and controversyes shoulde be wiselye ordred and taken up at home. But we will not be counseled at home by statute; but, evin to our owne discredytt, we will disclose and uncover our broyles to others, and we nothinge care or regarde howe manye be made privye to our doinges. We use the matter so that men rather pittye us then envye us. I maye saye unto you, thoughe not in suche brode speache and plaine maner as the apostle speakethe to the Corynthians, Is there not anye wise man amongst you to take up your controversyes, but that you muste goe to others? But here some man may saye unto me, that I speake more boldelye then wyselye. Trulie, I easely graunte and confesse it, if tyme be as it hathe byn, and men be as thei have byn; but if tyme be as it oughte to be, and men reformed as men shoulde be, then I nothinge doubte but that I speake no less wyselie then boldelie; and I truste I shall easelie finde pardon: *si hominibus placere studerem, etc.* I speake as a frende, and not as an ill-willer; therfore to be borne with. Plinius junior hathe this sayinge: *Apud amicos æque grata esse debet simplicitas dissentientis, quam auctoritas probantis.* It is recorded of Augustus Cæsar, that on a tyme he satt in judgment seate, and, beinge moved with coller and

anger, was aboute to condemn manye: *quod cum animadvertisset Mæcenas, nec posset ad eum accedere,* he tooke a peece of paper, and wrote these twoe wordes, *surge, carnifex!* the which when the good emperour had reade, not beinge carryed with the wisdome of his owne conceyte (for then woulde he never have considered that thei had proceded from a frende, but from a malitious and hatefull mynde, and so have bine more kindled), but patientlie accepted of them, and immediatelye rose from judgment and departed, and after better advice altered his mynde and purpose. *Nowe, I praye you here consyder my mynde and intente, and judge you whether of that which goethe before I did not alleage in my apoligie and defence for to be borne with; for here I call heaven and earthe to witnesse, had not my memorye failed me, I woulde have stoode longer, and have delated, after my homelye maner, this doinge of Mæcenas and Augustus; and have requested you, that if an emperoure who shoulde have stode muche of his estimation and credytt, and therefore hardelye shoulde have digested so rude a cutt, yet layde aside his owne wisdome, and toke his credytt not to be impaired to followe the advyce of his frende, howebeit it was verye homelye; that I, speakinge with no lesse frendlye mynde, might not be accused, or, at the hardest, be so delte with as I shoulde be arreigned for geveing, as I then was, and yet am, inwardlie perswaded, as profitable warninge (yt followed). *Unde apud homines,* so faire and smoothe wordes, and so small performance of dedes; a great poynte of worldlie wisdome to speake faire, and promise muche, and performe nothinge. A heathen man saide, worldlie wiselye, thoughe heathenlye folishelye, *qui nescit dissimulare*

* Theis words are here put as recorded by the seniours from my mouth, for further declaration of speches going before, which they required an interpretatione of, because the master toke himselfe discredited by that I sayed, *surge, carnifex,* etc.

nescit vivere; a lesson practised of dyvines. It was wonte to be called courte hollye water: I would it were further removed from colledges. There ought to be no diffidence, mistruste, or suspicion in [suche]. And we are here joyned together in a verye streight societye; but he which will live here must put in practise the verse which is fayned of Esoppe to have byn songe of the birde when she escaped the snare of the fowler. The verse is this: *Crede parum, tua serva, et quæ periere relinque.* Antigonus the kinge is reported, that with a lowde voyce he prayed God dailie that he mighte be defended agaynste his frendes; and beinge demaunded whie he did not rather praye to be protected againste his enemyes, *ab illis, inquit, qui palam hostes sunt, possum ipsemet mihi mediocri diligentia cavere; sed ab amicis fucatis et perfidis non possum mihi ipse cavere, sed Deo protectore est opus.* Our tyme is answerable to the dayes of Mycheas, and to the tyme wherein Jeremye lyved. Thone, namelye Mycheas in his 7 chap., saithe, *Noli credere amico, et ab ea quæ est in sinu tuo caveto.* Jeremye, in the 9th, *Unusquisque a proximo suo se custodiat, etc.* And there, accordinge to the phrase of the prophet, I saide that we taughte our tonges to speake lyes; nay, we ar so farr proceded that we nede not to learne. Trajanus the emperoure was founde so juste and true in all his doinges, that it is geven unto him for his praise that he never promised thinge which he did not performe, and hereuppon he was called *verissimus;* but if our deedes be examined by our wordes, I assure you, that as he was in the superlatyve degree called *verissimus,* so some of us in the superlative degree maye be called *falsissimi.* Heavenlye wisdom hathe willed us to speake the truthe one man to another. What is the cause whie some men doe now alowe that which before they have greatlye disalowed and misliked? Wisdome in their owne conceyte. You are not ignorant, *obsequium amicos, veritas odium parit.* It is not the leaste poynte of

wisdom with them *scire uti foro.* These fellowes ar like unto Tullye, who beinge demaunded why, when Pompey had the government, he defended the authoritie of him and the senate, and when Cæsar bare rule, he likewise defended his dictatorship, answered: *Prudentis est, mutata velificatione, non semper idem dicere seu sentire.* These seame wise to themselves; but howe soever thei seame to be wise, and manye are so accompted, they are, in deede and in respecte of heavenlie wisdom, starke fooles. Wooe be to you that saye good is evill, and evill is good: it is the greateste poynte of wisdome that maye be to beware of suche.

Whence is it that the schollers, etc.: but of that, or anye thinge ells spoken in the treatise before more to that is set downe *ut supra,* no offence was taken, and therefore not written.

This is the trew copye of those wordes spoken in the chaple in a private exercise about the moneth of July last past, for the which the master found himselfe greaved, and convented me before the seniors of our house; who (as they have sayed it, with the same treuth I hope that they stand redy to depose it) for quietnes sake, and to pacifye the master, rather then for any offence by me commytted, did agree to punish me iiij*s.*; and for shew of offence declared in ther decree, that for naming estates by the name of master and seniors, not esteming the trespas done unto them, I was to be reproved for offending him: how justly, I leave it to your lordshipes consideratione.

Your lordshipes ever,

MAURYCE FAUKNER.

[Endorsed.] Jul. 1576. Notes of a sermon preached by Mr. Falconer in St. Johns Chappell in Camb.

GRACE OF THE SENATE.

Jan. 17, 1577. De habitibus doctorum in festis diebus.

Cum de laudabili et multis jam retroactis annis recepta consuetudine, singuli in ordinem doctorum cooptati festis quibusdam diebus et publicis præscriptis conventibus in ista charta nominatis in publicum prodire non consueverint nisi induti togis murice tinctis; placet vobis, ut singuli hujusmodi prædictam consuetudinem dignam majestate academiæ inviolabiliter observare teneantur, sub pœna et mulcta decem solidorum legalis monetæ Angliæ, publico academiæ ærario persolvendorum, quoties eandem violaverint. Quam summam nisi procancellarius fideliter exigat, ipse eandem de proprio super computum generalem cistæ communis persolvat; et hæc concessio vestra pro statuto habeatur. Dies assignati: festum natalis Domini, Pasch., Ascensionis, Pentecostes, Trinitatis, Michaelis, et omnium Sanctorum, magna comitia, nundinæ divi Johannis et Sturbrigienses, dies initi regni dominæ Elizabethæ reginæ.

MR. FAULKNER TO LORD BURGHLEY.

[From MS. Lansd. no. 24, art. 19.]

To the ryght honorable my good lord, lord Burley, lord treasurer of England.

Non essem vobis (honoratissime domine) scriptis meis molestus, si non eo me dura cogeret necessitas, præsertim quum non sim nescius quantis semper reipublicæ curis premeris. Urgente tamen me mea miseria, concedas quæso ut inter cæteras curas locum apud vos habeat causa nostra, quam hujusmodi esse paucis accipies. Concionem habui (honoratissime domine) decimo sexto Decembris in ecclesia

Beatæ Mariæ, cujus ratione ex jussu et mandato commissionariorum in carcerem seu custodiam sum detrusus et adhuc detineor, rogatu seu querela doctoris Still, qui ad se violenter generalia a me dicta et prolata trahit. Qualia autem ea sunt (quum nec mihi bene constet, nec de eodem semper me accusat), quoniam ad vos deferre nequeam integram et perfectam concionem, honori vestro descripsi. Accipias itaque rogo non minus fideliter vestras in manus traditam, quoad verum et simplicem sensum, quam a me tunc prolatam, uti attestor Deum, et eam quam tum nactus sum congregationem. Legas quæso, atque sic judices: et ne prolixius apud honorem vestrum aut verbis aut precibus quam par est contendam. Loquatur pro se causæ nostræ æquitas, quam vestræ fidei et prudentiæ committo. Deus optimus maximus ecclesiæ, reipublicæ, et collegio Johannis, honorem vestrum quam diutissime servet incolumem. 25 Januarii.

Honoris tui studiosissimus,

MAURITIUS FAUKNER.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 24, art. 20.]

To the right honorable the lord Burghley, lord treasurer of England, and of her majesties moste honourable pryvie counsaill, yeave theis.

MY bounden duty humbly remembred, etc. Ther hathe fallen out of late here in Cambridge such an evill example so notoriously knowen, and so neerly touching the credit of the Universitie, that I have not only thought good to deale therin according as to myne offyce dyd appertayne, but also did thinke it my part and duty therof to advertyse your lordship, that you might rather understand the truthe

from mee, then to heare of it by reporte upon uncertaine rumours. The matter is touching a seacret contract and mariage betweene the soonn and heyer of Mr. Jhon Byron of Notinghamsheere, and a daughter of Mr. Beaumounds of Leicestreshere, sojourninge with his family here in Cambridge. To passe over all that went before the mariage, by whome and what meanes it was moved and procured, bycause I have no certayne knowledge therof, I will breefly certefye your honour of that which uppon examinacion before mee hath ben tried and found out to be trew, viz. that the said parties were maryed upon Thursday, beinge the xxiiijth of this present Februarie, in Trinitie Churche in Cambridge, (adjoyninge upon the baksyde of the said Mr. Beamonds howse,) in the presence of vij. persons with the ministre, wherof three were schollers and masters of art, thother iiij. of Mr. Beamonds howse, but neither himself nor his wief then present in the church, thoughe both of theim were at the same tyme at home or not furth of towne. The circumstances maye seeme to aggravat the dealing in this contract: the place in Cambridge; the yonge gentleman a great heyer, a scholler of Quenes Colledge, a pupill about thage of xix. yeres, committed to the charge of a tutour in the same colledge; the mariage without either consent or privity of the gentlemans parents or tutour; the solemnizacion close and seacreat, without banns or licence for the ministre to marry theim; the yonge gentleman sence conveyed into the country, wherby I cannot take ordre for the restoringe of him to his tutour untill his fathers pleasure be knowen; besyde the greatest inconvenience of all (if it fall out trew) of a precontract, pretended sence the said mariage, betweene the same scholler and another yonge gentlewoman of the town. This matter beinge in it selfe evill, in comen report heere very famouse, and in example in this place pernitious, besyde the note of infamy herof like to redound to the whole University, I thought it my duty

(with thadvise of the heads of colledges) to deale therin with some severitie against those three masters of art who were present and witnesses of the said mariage, one of theim being the ministre, whome, by the consent of the heads, I have committed to ward, ther to remayne untill farther ordre shalbe taken with theim; wherof I thought meet to make your honor pryvie, that if it please your lordship to appoint and direct how they shall farther be dealt with, or ells to leave the ordering herof to the heads and mee, upon your honors pleasure knowen, I may be ready to do accordingly. So, referring the farther relacion of this matter to the bearer herof, yf it please your lordship to requier the same, I comend your honor to allmightie God. From Cambridge, the ixth of Febr. 1576.

Your lordshipps most bounden to comaund,
Roger Goade, procan.

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 24, art. 23.]

Honoratissimo viro, domino de Burghley, totius Angliæ thesaurario, summo academiæ Cantabrigiensis cancellario dignissimo.

Tametsi ope atque auctoritate tua (illustrissime Cecili) satis munitam academiam nostram et ab interna fraude et ab externa vi satis defensam videamus; facimus tamen, quamvis non necessario, at non omnino imprudenter, quod boni cives patriæ suæ amantes facere solent; qui ut ad omnem hostilem motum sese commoveant, ut ad omnem auram sedulo auscultent, omnes inimicorum nutus, machinationes, progressus, diligenter observent, ne quam vel defendendæ vel amplificandæ patriæ occasionem omittant; eodem modo nos erga indigenas Cantabrigienses cum semper hactenus affecti fuerimus, tum certe haud ita multis abhinc diebus

suspectam valde illorum fidem habere cœpimus, cum de fundo Sturbrigiensi controversiam facturos atque aliquid novi molituros esse audiremus. Metum nobis multum faciebant veteres inimicitiæ atque simultates, antiquæ controversiæ et contentiones, ab hoc præcipue fundamento ortum atque incrementum capientes, ipsorum hominum naturæ ac dispositiones, una cum lacte nutricis bonarum literarum odium haurientes: his accessit conservandæ dignitatis nostræ, retinendæ libertatis desiderium, tum etiam procuratoria in hisce nundinis auctoritas haud mediocris, fori nonnullus splendor, et æqua justitiæ administratio. Quibus sane ut carere sine manifesta dignitatis ac salutis nostræ jactura nullo modo possumus, ita ne ulla ex parte diminutionem aliquam et quasi eclypsin paterentur, magna sane anxietate affecti, nec inani timore perculsi sumus. Sed omnem hunc metum sustulit, omnem anxietatem dissipavit tua (prudentissime domine) tua unius auctoritas atque prudentia; qui in ista maximi momenti controversia, ne rogantibus, imo ne cogitantibus quidem nobis solerter adfuisti; qui ne quid academia detrimenti caperet, paterno quodam amore amanter providisti; qui ne ista oppidanorum petitio ulla in re academiæ nostræ fraudi foret, a regali majestate contendisti officiose atque obtinuisti honorifice. O hominem ad salutem nostram procurandam, ad promovendam dignitatem, e cœlo delapsum! o singularem patronum! o divinum Mæcenatem! magis quid e re nostra esse possit, quam ipsi nos animadvertentem, uberius spe nostra, velocius opinione, utilitati academiæ consulentem. Quid tibi (honoratissime patrone) pro tam præstanti patrocinio referemus? quas tibi pro tam multis, tam immensis beneficiis agemus gratias? Dignas certe aut meritis tuis æquales nullo modo possumus: nisi pro humanitate tua dignas esse illas æstimare velis, quas homines tui amantissimi, tuæ dignitatis studiosissimi, omni te officio ac pietate observantes, et habent et agunt, quas

possunt maximas; et nisi illas dignas existimes, si nos nostraque omnia tuæ dominationi subjiciamus, quod quidem non intuite facimus, et in tua semper potestate futuros nos esse libenter pollicemur; vel nisi illas demum dignas arbitreris, si ad veteris academiæ normam studia moresque nostros revocemus, si eam et in bonis literis diligentiam et industriam, et in reliquo vitæ cursu moderationem et temperantiam adhibeamus, quam tibi gratam, nobis utilem, academiæ honorificam futuram esse plane confidimus; quod sane et bona fide tibi spondemus, ipsaque etiam re præstituri sumus, ne vel commoditatem nostram negligere, quod hominum esset omnino ineptorum et desipientium; vel haud mediocrem dignitati tuæ labem aspergere videremur, quod impudentium foret, et immaniter improborum. Gratias igitur quas possumus habemus tibi maximas et immortales; et nosipsos dominationi tuæ totos dedimus ac devovimus; et eam, quam cupis, in studiis industriam, in moribus honestatem, sancte promittimus, ut in homines gratos beneficiorumque memores incidisse patrocinium tuum existimes: quos nisi nosmetipsos quantum in nobis est, sine fuco, sine fraude, tibi præsertim tanto Mæcenati præstiterimus, indigni simus bonis literis, indigni sacra hac academiæ umbra, indigni hac luce, indigni tuo patrocinio, per quod felices et beatos, sine quo miseros, abjectos, et infelices futuros nos esse plane perspicimus. Dominus Jesus celsitudinem tuam et nobis tam felicem patronem, et academiæ nostræ tam amantem cancellarium, et ecclesiæ suæ tam fidum propugnaculum, et universo huic regno tam prudentem senatorem, quam diutissime dignetur esse incolumem. Vale. Dat. Cantabrigiæ, 8° Id. Mart. 1576.

Honoris tui observantissimi,
Procancellarius et reliquus senatus Cantabrigiensis.

THE UNIVERSITY TO THE QUEEN.

[From MS. Lansd. no. 25, art. 43.]

A copie of the letter to the quenes majestie from the Universitye.

Etsi incredibilem majestatis tuæ in academiam nostram bonitatem, aut maternam potius pietatem (nobilissima atque illustrissima princeps) et semper antehac reperti sumus, et vero etiam assidue sentimus; tamen cum eandem nuper in quadam oppidanorum Cantabrigiensium petitione quasi grandius sonantem ac plenius sese efferentem, honoratissimorum virorum ad nos datæ literæ retulissent, quanta lætitia et voluptate ad unum omnes perfusi fuerimus, nequimus verbis explicare. Intelleximus enim ex prudentissimis majestatis tuæ consiliariis et academiæ nostræ amantissimis patronis, dominis Burleio et Lecestrensi, oppidanos homines pro Sturbrigiensibus nundinis impetrandis majestati tuæ supplicavisse; quorum postulationem sic a celsitate tua admissam fuisse, non modo ut nos ex ea nihil sensuri essemus detrimenti, verum etiam ut aperte profiteretur majestas tua se effecturam ut quæ in academiam hanc privilegiorum beneficia jam multo ante contulisses, ad ea augenda atque amplificanda nova aliqua accessio adjungeretur. Nos vero (illustrissima princeps) animum istum vere regium quanta possumus cum observantia exosculamur; eoque freti et confisi, liberius egimus cum oppidanis, et consiliis collatis, de communi sententia, viam inibimus qua nec ii se læsos conquerantur, et nos imprimis sublevemur; nempe, ut quibusdam e nostris, qui reliquos dignitate aut gradu præcedunt, ascriptitii quidam famuli quasi extraordinarii clientes attribuantur; non qui intra collegiorum parietes (quorum angustiæ vix studiosis duntaxat capiendis sufficiunt), sed qui in urbe habitent et commorentur. Hanc nostram conventionem, ut tua majestas ratam nobis firmamque constituat, te suppliciter ac demisse

obtestamur. Et quoniam singularis cujusdam clementiæ signum tollere nobis dignata es, de hoc etiam (nobilissima princeps) precibus nostris, ut academiæ nostræ, regni statutis non obstantibus, fundos et prædia impune liceat tanquam in mortuam manum (ut vocant) capere. Oxonienses quidam beneficio hoc libere jamdiu perfruuntur, et nobis hoc tempore ad rem Gulielmi Pikeringi militis morte præclara occasio oblata est. Cujusmodi sint autem hæc quæ petimus, rogamus præstantissimam majestatem tuam ut ex domino Burleio, cancellario nostro, planius cognoscere non dedignetur. Deum optimum maximum comprecamur, ut te principem clementissimam, florentissimam, augustissimam, quam diutissime nobis largiatur. Dat. Cant. etc.

Serenissimæ majestati tuæ deditissimi supplices,
Proc. etc.

INTERPRETATION OF A STATUTE.

Jan. 31°, 1577. De gratiis concedendis.

Quoniam sæpenumero solet evenire, ut novis causis emergentibus, novum jus non tam constituatur quam interpretando explicari videatur (jus enim ipsum, quod rectæ rationis nomine censetur, licet ob rerum negotiorumque varietatem varie solet applicari, semper tamen unum atque idem manet), et quia in dicto statuto *de gratiis concedendis* hæc verba habentur, "Decernimus, ut nulla gratia, quæ proponetur in scholis, dispensationem habeat quamcunque; et si secus fiat, gratiam illam irritam et inanem esse volumus; nec ulli concedatur gratia, ut ejus admissio stet ei pro completis gradu et forma, sub pœna perjurii procancellarii et eorum qui fuerint in capite, nisi sint regiæ majestati a secretis, aut episcopi, aut nobiles, vel nobilium filii." Quibus verbis nobiles nobiliumque filii sic excipi videntur, ut neque ad temporis certum et præfinitum spatium, neque

ad usitatas comitiorum cæremonias in suscipiendis gradibus coarctentur: eaque de causa quæsitum est, quousque nobilium appellatio producenda sit; operæ pretium videbimur facturi esse, si et hujus quoque causam dubitationis in posterum penitus sustulerimus.

Cum igitur omnes leges, quibus pœnæ vel præmia decernuntur, personarum meritis seu fundamento nitantur, cumque in bene constitutis civitatibus semper fuerit usurpatum, ut non magis pœnarum acerbitas restringeretur quam præmiorum favor amplificaretur; certe academicas leges, quæ de literarum et literatorum hominum præmiis sunt positæ, hac communi carere æquitate nefas esset existimare. Quamobrem statuimus, decernimus, ac interpretando definimus, quod ad scholasticos gradus suscipiendos attinet, pro nobilibus omnes habendos esse, non solum qui barones aut baronibus dignitate superiores sunt, verum eos etiam quicunque regiam majestatem conjunctione sanguinis vel affinitate attingunt: modo iisdem quoque ejusdem dignitatis titulus conveniat, ut vernacula nostra lingua honoratæ personæ, i. e. *honourable personages*, sive *men, women, or maids of honour*, possint et soleant appellari; nam in hujusmodi hominibus eorumque filiis, qui proximi parentibus hæredes fore videbuntur, aliasque idonei habebuntur scholasticis gradibus exornandis, non necessario neque strictim terminorum (ut vocant) numerum, neque usitatas cæremoniarum comitiorumque solennitates observari debere existimamus.

Rich. Howland, procan.	Ed. Hound.
Andreas Pern.	Rog. Goad.
Tho. Legg.	Tho. Bing.
Joh. Still.	Rob. Norgate.
Tho. Ithell.	

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 29, art. 50.]

Honoratissimo domino, domino de Burghleye, totius Angliæ summo thesaurario et academiæ Cantabrigiensis cancellario dignissimo.

Facile facit academia quod semper facit (illustrissime Burleiensis), ut ad tuam semper humanitatem confidenter accedat; ut in omni sua petitione tuam protinus opem sedulo imploret, et in tuo quasi sinu omnes suas curas et cogitationes profuse effundat. In quo sane admirabilis quædam elucet humanitas tua, quem neque tua ipsius negotia, neque universi hujus imperii multiplex sane procuratio unquam impediit, quo minus et importunitati libenter vacares et petitioni nostræ amanter concederes. Hac spe freti venimus ad te hoc tempore, sicut ad parentes filii solent accedere. Querimur apud dignitatem tuam lædi a quibusdam academiam nostram, minui et infringi libertatem, affligi et perturbari tranquillitatem; addimus etiam defervescere apud nos nonnullorum studia, dejici animos, languescere industriam, angi postremo omnes et singulos academicos, atque ægre quidem id ferre, cui tamen nisi per tuam solius auctoritatem nullo certe modo mederi possunt. Quodnam vero est istud, inquies, malum, quod adeo vos conturbat? quodnam tam grave vulnus quod tantopere vos affligit? Timide dicimus, honoratissime Mæcenas, et tibi tamen dicendum est libere, id enim et observantia in te nostra hactenus consuevit, et necessitas hoc tempore exigit, et tua benignitas jamdiu permisit. Dolemus, ornatissime Cecili, eripi nobis libera in societatibus collegiorum nostrorum disponendis suffragia, id est, ut nos interpretamur, auferri virtutis et studiorum præmia. Cum enim regio diplomate id apud nos obtineatur, quod summæ in bonis literis asse-

quendis diligentiæ, quod assiduo virtutis studio morumque probitati solet concedi; cum princeps id mandet fieri, quod præclara ingenia, honesta officia, probi mores solent demereri; fit sane ut adolescentes nostri pulsis paulatim obedientiæ repagulis, nec non excusso suavissimo nutricis omnium virtutum humilitatis jugo, desertoque plane superioribus suis omni honesta ratione placendi studio beneque merendi desiderio, non academicos quibuscum vivunt implorare, morumque suavitate promereri studeant, sed aulicos, quibus ignoti sunt, omni modo ambire cupiant, nec jam eorum quos rei summa penes esse solet suffragia æstiment, sed aulicorum literis plerumque se muniant; illeque tandem voti sui compotem se fore confidit, non qui in academia benemeritum, sed qui ex aula mandatum afferre possit. An quo sane magnum nobis negotium faciunt, ingentique cura onerant, valdeque discruciant, ne vel regineæ majestati immorigeri (quod nullo certe modo esse debemus), vel privilegiis nostris, ab ipsamet majestate nobis concessis, plane infidi, aut si id nimis durum sit, parum profecto providi inveniamur. Ista tu nos cura atque anxietate, pro ingenti humanitate tua, liberes, prudentissime Burghleiensis. Obtestamur te, et per tuam in nos fidem ac benevolentiam, et per nostram, quam tu maxime amas, salutem et dignitatem, aufer nobis istam mandatorum frequentiam; quibus non tam promoveri homines importunos maximeque audaces, quam animos despondere planeque languescere ingenuos et verecundos, cum nonnullo certe dolore cernimus et lamentamur. Tu vero, si justa postulare videri possumus, huic nostro dolori finem imponas; atque apud regiam majestatem, cum occasio erit, prudenter perficias, ut quam ipsa nobis libertatem benigne concessit, liberam nobis sartamque tectam pro divina benignitate sua esse velit: rem sane efficies supra quam dici potest academiæ utilem, et tibiipsi procul dubio non minus jucundam et honorificam.

Dominus Deus, Pater luminum, omni te honore atque amplitudine cumulatissimum reddet. Vale. Cantab. 11° Kalend. April. 1578.

Tuæ semper dignitatis studiosissimi,
Procancellarius et reliqui collegiorum præfecti.

LORD BURGHLEY TO THE UNIVERSITY.

[From MS. Harl. no. 7041, p. 152.]

The copy of my lord Burghleys lettre against mandats.

After my hartye commendations. Wher I have receved, by master D. Still, master of Trinity College, lettres to me from you, the vice-chancellor, and the rest being masters of colleges within that Universitye; by the which, and by the report of D. Still, I found writing from the quenes majestie to certain colleges, upon private mens request, to place certain into roomes of fellowships and scholerships there, should be taking from your colleges the free elections, which the same colleges have by good authoritye to choose and place mete persons in such romes; a matter very hurtfull to the whole Universitye. Wherupon, as upon a private signification lately geven unto me by lettres of D. Howland, master of St. Johns College, of the like attempt, by force of her majesties lettres, I did before impart, so now anew I did notifye unto her majestie the contents of these your publick lettres to me, adding also the particular complaint, by lettres to her majesty from certain of the fellows of Trinity College; and did so expose to her majesty the offence committed by such as had so obtayned her sundry lettres, contrary to the common forme of recommendation (a matter not to be misliked, except the same were too frequent), in that the words of her lettres,

by the [parciality] of the sutors, conteyned, beside a commendation of the parties, a manner of a graunt of the roomes being not voyd, and a commandement to admit the parties so commended upon their own reports of their habilities. Wherat I found her majestye earnestlye offended with such ministers as had so written her lettres, out of all good ordre; adding that she never mente, by her commendations or request, howsoever the words of her lettres might by abuse be inserted, any violation of the statutes and ordres for elections, or to have yow admit any persone to any roome that should not be thought mete by the order of the howses to be chosen. And so she commanded me to reprehend such as had written such lettres, and to admonish her two principall secretaries to beware for passing any such lyke herafter; as I have done, fynding the parties that wrote the same sorry for their oversight. And her majesties principall secretaryes nothing allowing of the lettres passed, bearing reverence to that Universitye, as in the which both of them have bene brought up in good learning, so they both mean to have speciall regard that no such lyke matter hereafter shall pass, to the offence of the statutes of any of your howses. All of which, at good length, I have informed master D. Still, to make report to yow; and nevertheless, at his request, have thought yt not superfluous, by these my lettres, to signifye the same, for better satisfaction of yow. And yet this I cannot but advise yow, that because yt may be and ys not unreasonable, that upon some earnest meanes, to be made to her majestye by persons of some value with her majestye, she may at some tymes recommend some persons to be placed in some voyd roomes of the colleges; that yf the persons may appere equall to others, and that by granting to her majestyes request the freedome of election be not taken away; that in such cases, either the parties be satisfyed, or otherwise that by your lettres, to one or both of her majestyes principall secre-

taries, some good signification be made of the causes why the request may not be fullfylled. And so fare yow well. From the court, the 7th of April, 1578.

Your lovinge frend,
W. Burghlye.

GRACES OF THE SENATE.

Mar. 23°, 1578. Pro concionibus frequentioribus in templo acad. sub pœna 10*s*.

Quoniam sacris concionibus apud populum habendis non satis videtur per statuta nostra prospectum esse; placet vobis, ut deinceps singulis et dominicis et festis diebus (quibus ex statuto aliquo, aut recepta consuetudine, concio publica intra academiam non habetur) singuli cujusque collegii, tam socii quam pensionarii, quicunque ministri aut diaconi fuerint, et tertium annum post magisterii gradum in artibus susceptum omnino compleverint, ad concionandum in academiæ templo tam ante quam post meridiem pro ratione senioritatis, quam in academia obtinent, ordine suo teneantur: vestrumque hoc decretum super ea re pro legitimo statuto habeatur; cujus exequendi initium fiat die dominico proximum diem dominicum immediate sequente, exordio ducto ab eo concionatore qui cæteros senioritate antecedit; quem perpetuis deinde futuris temporibus reliqui suis vicibus subsequantur, sub pœna decem solidorum cuicunque ob neglectam vicem infligenda. Proviso tamen, ut quoties quisquam vel ad procancellarii assignationem, vel ob gradum suscipiendum concionabitur, idque decem ante diebus, ei qui alioquin esset concionaturus denunciari curabit, cœptus cursus interrumpi queat, sed ita ut idem cursus eodem postea quo prius modo continuetur atque observetur.

Jun. 18°, 1578. Ne quis gratiam, quam petierit, rejiciat.

Quum sæpenumero petitiones, quas gratias nuncupamus, pro gradibus scholasticis et aliis academiæ beneficiis consequendis in senatu proponuntur, quas earundem candidati postea non satis grato animo interpretantes, vel non agnoscunt vel omnino rejiciunt, unde apud vulgus academia male audit, et non parva ignominiæ labe aspergitur; placet vobis, ut qui deinceps hujusmodi petitionem capiti senatus proponendam curaverit, aut subscripserit, sub vinculo juramenti prius Universitati præstiti publico ærario viginti solidos persolvere teneatur ad manus dominorum procuratorum infra octo dies postquam constiterit candidatum, aut nolle aut per temporis decursum non posse hujusmodi gratiis gaudere. Et hæc concessio pro statuto habeatur et observetur.

DECREE AGAINST EXCESS IN APPAREL.

[From MS. Lansd. no. 102, art. 92.]

A decree for the restrent of the excesse in apparrell, bothe for the unreasonable costes and the unseemely fasshion of the same, used by schollers and students in the Universitie of Cambridge.

Considering that the originall cause of the collection together of multitudes of men into such publike places as the Universitie of Cambridge is, and the endowing and donation of the same with great landes, liberties, and privileadges, from kinges, princes, and other estats, was only to bring upp and instructe in good learning, godlynes, vertue, and manners, all such as should come thether to continue as schollers and students, wherby the churche of God and the whole realme might have, as from a store howse, sufficient provision of meete men in all degrees, that shuld be able, by Godes grace, with their learning and vertues to

serve in all the placees of publique government, as well in the church as in the civill estate, both in the degrees of the prelacie, nobilitie, and inferior estates; and therefore all meanes are to be used, and so is it the dutie of the heades of the said Universitie, both to cherish and avaunce all meanes that may tend to increase and conserve godliness, good learning, vertue, and manners, and in lykwise to remove in sesonable tyme all impediments that are adverse to the same. For which cause it is found at this tyme very necessary, that some speedy remedy be provided for the restoring to the sayd Universitie the auncient modestie of the students, schollers, and all others that shall be accompted members of the same, as well in all externall behavior as in knoledge and living, which of late yeares hath greatly ben decayed and deminished by the negligence, sufferance, and remisnes of the heades and governors in the privat colledges, as may be conjectured, but spetially by suffering of sondry yonge men, being the children of gentlemen and men of welth, at their coming to the same Universitie, contrarie to the auncient and comely usage of the same, to use very costly and disguised manner of apparrell and other attires unseemely for students in eny kinde of humaine learning, but rather mete for riotuos, prodigall, and light persons; thereby not only beyng more chardgable to their frends then is convenient, but by their evill ensample also inducenge others of less habillitie to chaunge and cast away their modestie and honest frugalitie, to the overcharging of their friends, and namely to the attempting of unlefull means to maintain them in their said wastful disorders, and consequently to neglect or intermit their former studies; so as if remedy bee not speedily provided, the University, which hath been from the beginning a collection and society of a multitude of all sorts of ages, professing to learn godliness, modesty, vertue, and lerning, and a necessary storehouse to the

realm of the same, shal become rather a storehouse or a staple of prodigal, wastful, ryotous, unlerned, and insufficient persons to serve, or rather to unserve, the necessitie of the realme both in the church and civil pollicy.

Wherefore it is ordered and decreed, by the right honorable William lord Burghly, high chancellor of the said University, with the advise and consent of the vice-chancellor of the same, and all the masters and heads of colleges, houses, and halls, that from the feast of Michaelmas next coming, no person shal have any lodging, commons, or resiance in any college, house, or hal, or to bee taught by any within the University, but that hee shal, within the compas of every college, hall, or house, and in the common schooles, and in his going and returning to the same, wear such seemely apparel, both for the stuf and fashion, as shal become a student and professor of learning. And for more manifest expression of the meaning hereof, by way of prohibiting the monstrous misuse lately crept into the Universitie, no student shall wear within the University any hoses of unseemly greatness or disguised fashion, nor yet any excessive ruffs in their shirts, nor shal wear swerds or rapers, but when they are to ride only; neither shal any person coming to study wear any apparel of velvet or silk, but such as by the lawes of the realm, according to their births, or as by certain orders published by proclamation in hir majesties time, are allowed, according to their several degrees of birth and wealth. And generally all the heads of houses shall cause all such as have any sustentation, stipend, or other maintenance within their houses, to conform themselves, and to reform all their disordered apparel according to the local statutes of the house; or otherwise, if time in some poynts have caused alteration, yet to use such as shal bee comely and aggreable to their vocations; and that as nere as may bee the diversity of fashions in every degree be avoyded,

to reduce the number as nere as may be to one uniformity of comeliness and modesty, according to their degrees.

And for the execution of this decree, the vice-chancellor and the heads of colleges shal confer together, and shal in writing, by common consent, prescribe some particular rules for the directing of al sorts, and for the prohibition from that time of all unseemely innovations in al kind of apparel or attyre. With regard to such as bee the sons of noblemen, or of other principal estates, or knights in the realm, which have no living of any colleges, that according to the degrees of their parents they may bee permitted to use the more cost in their apparel, so the same be not excessive, nor in fashion unseemly for students and professors of learning. And if any shall, upon reasonable warning, attempt to break such orders as shal bee prescribed, the same shalbee expelled the house wher he doth reside, and shal not bee suffered to enter into any other public house of lerning, nor into the common schools, neither yet shal any within that Universitie presume to teach or instruct him, whilest he shal continue his offence in any part within the said University.

[Endorsed] 5 Sept. 1578.—Minutes of a decree made for the reformation of apparrell in the Universitie of Cambridg.

DECREES OF THE HEADS.

Oct. 12, 1578.

Decretum fuit et est, quod si quisquam ex iis qui sunt in capite postea eligatur ad officium procancellarii, quod in locum illius nullus alius eligatur per novum scrutinium, sed senior in illa facultate præsens in scholis ejus locum supplebit; et si quisquam ex capite principio congregationis

abfuerit, et alius juxta formam statuti in ejus locum surrogatus, et ipse surrogatus pro ipsa vice erit in capite, nisi postea is subintraverit qui electus fuit in numerum capitis pro illo anno.

MS. entitled "Copies of Charters and Statutes," in Archiv. Acad. p. 279.

Nov. 26°, 1578. No office to exempt from any exercise.

Definitum et decretum fuit die et anno prædictis per dominum Th. Bing, LL.D., almæ Universitatis Cantabrigiensis procancellarium, cum consensu doctorum Hawford, Fulk, Howland, Harvey, Legg, Hatcher, Larking, et Ward, et magistrorum Nicolls et Norgate, in præsentia doctorum Chadderton et Barrow, quemlibet hujus academiæ scholarem, juxta senioritatem suam in Universitate, teneri ordine suo cum ad respondendum tum ad opponendum in theologia, jure, et medicina, nec non ad prædicandum; neque magistratum aliquem aut munus publicum (scil. procuratoris, taxatoris, aut scrutatoris) liberum aut immunem posse præstare aliquem a prædictis oneribus, aut liberare debere aut posse, juxta tenorem statuti in capite expressi.

None but doctors hoods to be lined with silk.

Item, it was in like manner decreed by Mr. Jo. Yonge, doctor of divinity, and vice-chancellor of the University of Cambridge, with the assent and consent of all the masters and presidents of all the colleges, in the common schools assembled, that no man, unless he were a doctor, should wear any hood lined with silk upon his gown as doctors usually do, upon the forfeiture of 6*s.* 8*d.* *toties quoties:* and if any shall refuse to pay the same fine or mulct, then he to be inforced by Mr. vice-chancellors authority to shew why he should not be punished for wilful perjury.

ORDER OF THE COURT OF EXCHEQUER.

[From MS. Arundel. no. 54, fol. 229 v°.]

That John Pooley, a privileged man, shall not be ympleaded in the exchequier, but before the chancellour of the Universitie.

Forasmuch as it appeareth that John Pooley, of the towne of Cambridge, is one of the priviledged persons within the Universitie of Cambrige, it is therefore ordered, that hee shall not pleade to any informacion exhibited in this courte againste him for cardes, by the procurement of Mr. Bowes and Mr. Bedingfeld, but shalbe sewed before the vice-chancellour of the towne of Cambrige, if it shall seeme good to the said plaintiff.

✠ Ex libro ordinationum scaccarii de termino sancti Hilarii; videlicet, Sabbatho septimo die Februarii anno vicesimo primo reginæ Elizabethæ ex parte remembratoris reginæ.

INTERPRETATION OF A STATUTE.

Feb. 15°, 1578. For matriculation and residence of scholars.

Whereas there hath and doth yearly arise some controversies and doubts, whether that divers persons that do proceed batchelors of arts have fully and wholly accomplished the years and terms required by the statutes of the University to that degree; and thereupon great contentions have ensued among the colleges; and some of such persons so proceeding have been charged with perjury, and such as have subscribed the said graces have been challenged as subject to the penalties prescribed in the statutes of the University. For the taking away of such controversies and dubitations, and for avoiding of such dangers, it was and is the 15th of Feb. anno Domini 1578, et reginæ

Eliz. 21°, by the right worshipful Mr. Tho. Bing, doctor of the civil laws, and vice-chancellor of this University, with the assent and consent of his assistants, viz. Dr. Pern, Dr. Hawford, Dr. Chaderton, Dr. Fulk, Dr. Still, Dr. Legg, and Mr. Hound and Mr. Norgate, decreed and orderd, that from thenceforward all persons that should proceed in that degree shall be certified, tried, and judged by the registers and books of matriculations of the University and of the colleges. And therefore it is by the authority aforesaid orderd and decreed, that every person hereafter coming to the University for study shall within six days next and immediately following his first coming to the town repair and come unto the register of the said University for the time being, or to his deputy in the absence of the said register, and cause his name to be enrolled; yielding and paying to the said register for the same, if he be in fellows commons, 2*d.*; if he be in the scholars commons, or a sizar or subsizar, a 1*d.* only, and no more; and then at the next matriculation, which shall be kept the first day of every month, if it be not holiday, and then the next working day following, shall be presented to the vice-chancellor for the time being, and then and there take his oath and pay his ordinary; out of which ordinaries the vice-chancellor and proctors are to be allowed their portions yearly, according to the wonted rate and no otherwise. And if any person neglect or refuse to come within the time afore limited to have his name inrolled, then such person, until he be inrolled, not to be reputed as a scholar; neither his time or years to be accounted as available toward the taking of the degree aforesaid; and the tutor of any such person or scholar to forfeit and pay to the use of the University 6*s.* 8*d.*, to be taken and levied by one of the proctors of the University for the time being.

Item, whereas the statute concerning the aforesaid

degree requireth *quadriennium completum*, it was and is by the same authority defined, orderd, interpreted, and decreed, the day and year abovesaid, that all and singular persons so enrolled as is aforesaid, before, at, or upon the day when the ordinary sermon *ad clerum* is or ought to be made in the beginning of Easter term, shall be reputed and accounted to have wholly and fully satisfied the statute, if he shall proceed in the 4th Lent next following the said sermon; but after that day of the said sermon *ad clerum*, if any shall come, then he shall not proceed in the 4th Lent following.

Item, if any person or persons shall be inrolled as is aforesaid, and afterward depart to his or their friends, or be sent to some grammar school, or do not continue in the University, all and every such person or persons shall, during such absence and discontinuance, not be accepted as scholars of the University, nor such time from his or their enrolment accounted profitable to or for his or their degree; and the trial hereof to be made and judged by the books of the commons of every college where any such persons shall be received.

Item, if any person or persons so enrolled, or also matriculated, shall for a time remain in the University, and then depart or go into the country, and there continue by the space of one quarter of a year or more, such time of his absence from the University shall not be taken or reputed toward the accomplishment of the time required necessary to the said degree; and this is to be tried by the common books, as is before said. And therefore the form of their graces shall be, as it was in the old time, *Supplicat reverentiis vestris A. B. ad duodecim termini completi, in quibus lectiones ordinarias audiverit per majorem partem cujuslibet termini, cum oppositionibus, responsionibus, et aliis exercitiis per statuta requisitis, sufficiant ei ad respondendum quæstioni.* And if it shall fortune any such

to be absent at any time from and out of the University more than half a term during the whole time of his four years, either for the plague being in Cambridge, or for the sickness of himself or of other of his natural friends, or for any other necessity and lawful cause, then every such person so absent shall insert in his grace so exhibited unto the University the time and cause of his absence, and so commit the same to the goodliking and approvement of the University.

Provided, that nothing in this decree contained touching the time required in the taking the said degree be prejudicial unto any of those who may by the University statutes be dispensed withal in this behalf.

DISPUTE WITH THE TOWN,

RELATING TO THE ENCLOSURE OF JESUS COLLEGE GREEN.

THE PRIVY COUNCIL TO THE TOWN.

[From MS. Harl. no. 7037, p. 291.]

To our loving friends the mair of Cambridge and his brethren.

After our hearty commendations. We have some intelligence given unto us that you have an intention to enclose part of the common of the town, and have already begun with Jesus Green, not having thereunto a full consent of such as claim interest in the same, as is requisite. And therefore, for avoiding of such dissentions as may grow if it should be done without the common consent of such as have right thereunto, we think it meet, and so we require you, that you forbear to make any further enclosure thereof untill you shall have advertised us of the true state of the matter, and shall thereupon receive such direction as shall

be thought convenient. And so we bid you heartily farewell. From Westminster, the 28th of April, 1579.

Your loving friends,

T. Bromeleye, cancell. F. Bedforde.
W. Burghley. J. Hunsdon.
E. Lincoln. Christo. Hatton.
T. Sussex. F. Walsingham.

LETTER FROM THE PRIVY COUNCIL.

[From MS. Harl. no. 7037, p. 291.]

To our very loving friends, the vice-chancellor and maior of the University and town of Cambridge, and to such others to whome it may appertaine.

After our hearty commendations. We have received yours, the maiors, letters in answere of a former sent from us, touching the enclosing of the common called Jesus Green, and further at good length understood what Mr. Slegge, one of the aldermen of that town, could declare unto us touching that matter; whereupon it is thought requisite that upon conference between you, the maior, and other of the town, you should forthwith cause the said inclosure to be plucked up wholy, or els make such open gapps and entries into the same, as both men and beasts may have such free entrance and use of the same as heretofore they had. And whereas it hath been pretended on yours, the maiors and towns, behalf, that your intention was to enclose it only for this year, minding to employ the commodity that might arise thereby to the use of the poore of that town; although we do not mislike of your good and charitable meaning to relieve such persons, yet we think it convenient, for the avoiding of such inconveniences as may thereupon happen, that hereafter, before you proceed to any such matter, you would first confer

with the vice-chancellor, or other officers, etc. of the University interested therein, and to procure that lawfull assent and allowance of your doings in the said enclosure before you attempt the like as now you did. And if upon such conference between you both, it shall be thought convenient, and can be agreed on by common consent, that the place may be enclosed for a time for such uses as have been by you the maior pretended, and afterwards laid open, we refer it to your discretions to do therein as you shall see cause, so as it be without likelyhood of any inconvenience or breach of peace either to any of the University or town. And so thanking you, Mr. vice-chancellor, for the good care and pains which we understand you tooke to contain such as are under your charge in good order and quietness, which we also pray you to continue; and trusting that this will suffice to end all matters between you, we bid you both heartily farewell. From Westminster, 17th of May, 1579.

Your loving friends,

T. Bromley, canc.	Christopher Hatton.
W. Burghley.	F. Walsingham.
F. Bedford.	Tho. Wilson.
Rob. Leycester.	R. Sadler.
J. Hounsden.	Walter Myldmaye.

CASE OF REMIGIUS BOOTHE,

EJECTED FROM HIS FELLOWSHIP IN GONVILLE AND CAIUS COLLEGE.

APPELLATION TO THE VICE-CHANCELLOR.

[From MS. Lansd. no. 28, art. 90.]

1579. Actus in curia coram D. Binge procancell. in causa Boothe.

Causa Mri. Remigii Booth.—Primo Augusti coram procancellario D. Binge, et assistentibus suis D. Hawford, D. Harvey, D. Hatcher, et magistro Norgat.

Quibus, etc. comparuit Remigius Booth, de collegio Gonvile et Caii, in artibus magister, et petiit a domino vice-cancellario ut sequitur, videlicet: That wheras the right honorable Sir Christopher Hatton did by his honors letters requier Mr. vice-chauncelour, with some assistantes, to heare more at large the matter in controversye concerning the sayd Mr. Booth, latelye debated and herd by the worshipful the master and felows of Gunvill and Caius Colledg above sayd, that now it would please Mr. vice-chancelour, notwithstanding that letter, to surcease and forbeare to hear any more of the sayd matter, lest he the sayd Booth shold incurre and runne into the danger of perjury, if the sayd matter shold be herd before any other judge or person whatsoever than only the visitours appoynted by statute of the sayd Gunvill and Caius Coledg, wherunto he the sayd Booth was sworne, as the sayd, etc.

17 Augusti, coram prædicto procancellario et D. Hawford, Harvey, et Hatcher.

The sayd Booth complayned unto the sayd vice-chancelour, alleaging that the master and felows of Gunvill and Caius Colledge had put him the sayd Booth out of commons within the sayd colledge, without any his desert or any just or lawfull cause; and therfore desired his worship

to cause the sayd master and felows to receyve and admitte him agayne to his sayd commons. Wheruppon Mr. vice-chancelour, with the foresayd assistantes, called before him the sayd master and two of the felows of the sayd colledge, and layd before them the grefe and petition of the sayd Boothe; unto the which the sayd master and felows replied, that by order and vertu of their statute they had put the sayd Booth out of commons, and by the sayd statute, without danger of perjurye, they could not receyve him into commons agayne; and if he thought himselfe by their proceedinges injuried, he folowing the course of the sayd statutes, unto the which he was sworne, might appeale unto the visitors of the sayd colledge; with the which thing they wold not be displeased, but wold gladlye geve him licence so to do.

Concordat cum originali. Ita testor,
JOANNES BACSTER,
notarius publicus.

DEPOSITIONS RELATING TO THE CHARGES AGAINST REMIGIUS BOOTHE.

[From MS. Lansd. no. 28, art. 91.]

Depositions against Mr. Booth, taken within the colledg uppon the statute *de reis infamiæ*.

16 July, 1579. The answeres of suche as were examined concerninge suche thinges wherwith Mr. Boothe was charged.

Richard Dale, labourer, dwellinge in the parishe of St. Peter, in Cambridge, and before of St. Clements parishe, in the which two parishes he hathe dwelt 34 yeares or therabout, beinge 50^{ty} yeares old or therabout, etc. beinge examined before Dr. Legge, Mr. Swale, Mr. Churche, Mr. Tracie, aunswerethe as followethe.

1. First, beinge asked whether he was with Jhon Haspe, pikemonger, when the said Jhon Haspe found Mr. Boothe, of Gunvill and Caius Colledge, in a chamber in his owne house with his wife, and what he knew touchinge the same, he aunswered, that on Mon-

day last, being the 13 of July, 1579, betwixt one and three of the clock in the afternoone, that the forsayd Jhon Haspe understandinge that a scholler was in a chamber in his house with his wife (for he sayd that Jhon Haspe watched Mr. Boothe in a lodge not farr from his howse), he the said Jhon Haspe ran thether with a dagger drawen; wheruppon this deponent followed, and cominge to the chamber dore he saw the said Jhon Haspe seckinge by force to open the dore with his dagger, which was then shutt, and so betwixt the dore and the poste brooke his dagger, beinge a good prety while before the dore could be opened.

2. Item, when the dore was opened, he this deponent saythe that the wife of the forenamed Jhon Haspe, seinge her husband breake in at the dore, would with bothe her handes have put downe agayne hir sayd husband by force, he this deponent beinge then behinde, and helpinge to stay him.

3. Item, that when Jhon Haspe found Mr. Boothe and his wife togither above in the chamber, he in great anger charged his wife that she had played the whore at divers times with Mr. Boothe; and that one night (which he the said Jhon Haspe then named) Mr. Boothe layd with her all night, and that at three of the clocke in the morninge followinge she let him forthe; and that notwithstandinge the said Mr. Boothe came agayne at vij. of the clocke the same day before dinner or therabout, and, after a cleane payre of sheetes were layed on the bedd, they lay together that day followinge also.

4. Item, that the said Jhon Haspe when he found his wife alone with Mr. Boothe in the chamber as is aforesayd, the said Jhon Haspe cryed for helpe of the neighboures to see what was done.

5. Item, this deponent further saythe that he saw the two beddes in the chamber ruffled, the which (as he saythe) had bene newly made a litle before; for he sayd he asked the mayd therof, who affirmed the same.

6. Item, that Jhon Haspe aforsayd, then and there in the chamber aforsayd, used thes wordes followinge to his wife so founde, or the like in effect, shewinge her the bedd beinge ruffled as is aforesayd, viz. Looke, thou beast, here is especialtie enough for the tryall, yf ther were no more but this. And that this deponent hard him say thes wordes, or the like in effect; the which wordes also he hard the sayd Jhon Haspe report to otheres that came after, and as he remembrethe to the procter.

7. Item, he saythe he sawe Mr. Boothe his poynt before loosed; but further he can not say herein.

8. Item, that Mr. Bothe in the hearinge of this deponent, beinge taken in the chamber alone with Jhon Haspe his wife as is aforesayd, desyred the sayd Jhon Haspe to be good to him, for that he was a gentleman.

9. Item, that the sayd Jhon Haspe or his wife do not keepe any vittelinge house, neyther is ther any drinke sold in the howse.

10. Item, that ther was noe pott to drinke in in the chamber, that he saw, neyther was ther in the chamber any table to drinke at, and that the chamber is so litle that no suche table to drinke at can stand ther conveniently.

The deposicions of Samuell Cooke, servaunt to Mr. Gaunt, and before to Mr. Frenche, fishemonger, etc. beinge of the age of 24 yeares (as he saythe) or therabout.

1. First, he beinge examined as before, aunswered, that on Monday, beinge the xiijth of July, 1579, betwixt ij. or thre of the clocke in the afternoone, Jhon Haspe cryed out for helpe out of his chamber to Mris. Gaunte, then sittinge at her dore, except she would see him killed, wheruppon she sent this deponent thether.

2. Item, this deponent saythe, that when he came into the howse, goinge towardes the chamber he found Jhon Dale keepinge the chamber dore least Mr. Boothe should breake away.

3. Item, that then and there Haspe toulde him that Mr. Boothe had mysused his wife, and that one night the said Mr. Boothe had layd with his wife, and that his wife rose at three of the clock the same morninge in her smock to let him out; and yet he would not be content, but came againe the day followinge at vij. of the clock before noone, and lay with her agayne in bedd.

4. Item, he saw Mr. Boothes hand hurt.

5. Item, he heard Haspe say then and ther to Mr. Baker and otheres, that he had broken his dagger with openinge the chamber dore.

6. Item, that Haspe also then and there sayd in the hearinge of this deponent, that on Monday before named, in the morninge, he the sayd Haspe standinge at the stayres foote leadinge to the chamber where his wife then laye in bedd, heard his wyfe say to her mayd (who lay also in the same chamber), that she wished Mr. Boothe ther in bedd with her, for he (sayd she) would kisse me and culd me.

7. Item, that then and there he further heard the said Haspy say, that Mr. Boothe came on Monday morninge before sayd, about iiij. of the clocke, into his the sayd Haspies howse, and throwinge his gowne in the hall went into the chamber, thinkinge to finde his wife there; whom when he founde not, he called the mayde and asked hir for her dame; and when the mayde had sayd that her dame was abroad, then (quoth he to the mayde) come yow presently, for I can not tarry.

8. Item, he hard Haspe say also, that he might have had his gowne then lyinge in the hall, but he looked for better pray.

9. Item, he saythe that he saw Mr. Boothe on Monday morninge before named, about iiij. of the clock, go into Haspe his howse.

10. Item, he beleevethe that Haspy, the said Monday morninge before named, lay so in a lodge nyghe his howse, that he might see when Mr. Boothe came to his howse.

The aunswere of Annis Sawnder, servante to Jhon Haspe, 11 of July, 1579.

1. *Imprimis*, beinge examined as before, aunswered, that on Monday, beinge the 13 of July, 1579, in the morninge, about v. or vj. of the clock, Mr. Boothe came into the howse, and after he had cast of his gowne in the hall, he went up into the chamber, and asked this deponent whether hir dame was within; to whom after this deponent answered that hir dame was not within, Mr. Boothe sayd thes wordes, or the like, Then come yow, for I must have one of yow, for I have busynes, I can not tarry.

2. Item, she saythe that on Monday in the morninge before sayd, she lyinge in the same chamber with her dame, rose upp before 3 of the clock in the morninge, at what time hir dame sayd unto hir, I would Mr. Boothe were here.

3. Item, she saythe that ther howse is no vittelinge howse; neyther do they sell any drinke, neyther do any scholleres use to drinke there; but somtime sittinge at the dore without on the stall they will call for a pott of single beere; neyther have any used to drinke in the chamber at any time.

4. Item, beinge further demaunded what she had seene betwixt her dame and Mr. Boothe, she refused then to tell, sayinge, Why should ye seeke to know any thinge of hir? (sithens she perceaved that we knewe yt before), and that she should not be well thought of to reveale any thinge of hir dame; and at that time would answer no further.

21 Julii, 1579. Coram venerabili viro Thoma Legge, legum doctore, procancellarii rite et legitime deputato.

The aunswer of the fornamed Annis Sawnder, servant to Jhon Haspe, pikemonger, of the towne of Cambridge, with whom she hathe served a quarter of a yeare and as muche as sithens midsomer, servinge before that Mr. Goodwin ij. yeares savinge a quarter, borne at Sawson, in Cambridgeshire, of the age of ninetene yeares, or therabout, beinge sworne, etc.

1. *Imprimis*, she deposethe that on Monday last, in the morninge, beinge the 13 of July, she lyinge in the same chamber where her dame lay, she heard hir dame say thes wordes, or like in effect, I wold Mr. Boothe were here, for he would kisse and kulle me.

2. Item, that uppon Monday aforsayd, in the morninge, about v. or vj. of the clock, Mr. Boothe came into hir master his hall and cast of his gowne, and after came into the chamber; and this deponent beinge there, he asked hir where her dame was; she aunswered that hir dame was abroad; and then he aunswered her agayne with thes wordes, Then come yow, for I must have one of yow, I have busynes, I can not tarry.

3. Item, that she hathe divers and sondry times heard Mr. Boothe use very unseemely and grosse wordes to her dame; and that she hathe found him dressinge himselfe, as buttening of his dobletes and puttinge on his girdle, and that she beleevethe that Mr. Boothe hathe had carnall copulation with her dame.

4. Item, that uppon a Weddensday, about a monethe or more since, Mr. Boothe came late into her masters howse when her master was absent, and desyred to lye there all nyght; then this deponent, with two children, was gladd to lye with her dame, and to lay cleane sheets uppon her owne bedd for Mr. Boothe to lye in, where he lay all night; and in the morninge, about three of the clock, she sawe her dame arise out of bedd, and open the dore, and let Mr. Boothe owt; whether her dame lay with Mr. Boothe that night or no she can not tell, but she thinkethe she did. And further this deponent saythe, that in the same morninge, about vij. of the clock, Mr. Boothe returned to her master his howse againe, and ther findinge her dame in bedd, he putt of his gowne and breches and went to bedd to her dame; and so this deponent see them in bedd together, and spake unto them as reprehendinge them.

5. Item, that as she came to be examined, she mett with Mr. Boothe in the way, who requested this deponent not to accuse him,

but to know who were his accuseres. And that uppon Sonday last, Mr. Boothe sent a tapster unto her (as the tapster sayd), who requested her in Mr. Boothes name, that if she must needes sweare that he lay one night with her dame, she would say that Mr. Boothe lay there some nyght in Lent; at which time this deponent aunswered, that she would not so say, for that she was not then servant to Jhon Haspe, but hadd bene sicke at that time.

Arthur Kempe, gentleman, 19 yeares old or thereabout, student in Gonvill and Caius Colledge in Cambridge.

Beinge demaunded what talke Mr. Boothe and he had togither, aunswered, that immediatly after the commencement last, Mr. Boothe came to this deponent in the morninge betwixt v. and vj. of the clock, he then beinge in bedd, ij. morninges, and sayd to him this deponent, that he knew wher was a prety wenche; and when this deponent asked what she was, he aunswered, she was a fisheres wife, but he wold not tell where she dwelt, nor what hir name was, but sayd she was fayrer then Mrs. Frenche tenne tymes: and when this deponent sayd he durst not goe about such matteres, Mr. Boothe aunswered that he knew by his face that he loved a woman, and therfore he himselfe would beginne, yf this deponent would follow.

Andrew Noble, student in Gonvill and Caius Colledge, in Cambridge, beinge xix. yeares old or therabout, beinge examined, etc. aunswerethe as followethe, viz.

That he this deponent, a day or two immediatly after it was reported that Mr. Boothe was founde with Jhon Haspe his wife in a chamber alone, was requested by the said Mr. Boothe to be a witnes of v. obligacions made betwixt the said Mr. Boothe and Harvy, draper, of the towne of Cambridge; the day and time he dothe not remember, savinge that it was after supper, and in the garden of the said Harvy within the said Harvyes howse; and that in three of the sayd obligacions then and there sealed and delivered, Mr. Boothe was bound to Harvie aforsayd to paye him the said Harvie the summe of twenty markes at three sondry times; and that the said Haspe then and there likewise did binde himselfe in one other obligacion in twenty powndes, that he the sayd Jhon Haspe should not bringe any evidence against the forenamed Mr. Boothe, or beare any witnesse, or doe any acte or actes for the better profe of any crime lately objected or surmysed against Mr. Boothe, committed with the wife of the forsayd Jhon Haspy. And further this deponent

saythe, that the sayd Mr. Boothe was bownd lykewyse then and there in one other obligacion to the sayd Haspe aforsayd, in a bonde of xx^{li}, that the sayd Mr. Boothe should save the said Jhon Haspe harmelesse against the vice-chauncellor, or other officer of the University, as concerninge the premisses. And this deponent saythe, that he redd over the obligacions, and was present at the sealinge and the delivery of them and every of them; and that the said Jhon Haspie and Harvy before named, and Barbor, scryvener, of the towne of Cambridge (who, as he thinkes, wrought the obligacions), were also present there. And he beleevethe further, that the said Harvy was after bound over to the said Jhon Haspe for the payment of the forsayd twenty markes specified in the former obligacion betwixt the said Mr. Bothe and Harvy aforsaid to the said Jhon Haspe; for that he this deponent heard then and there bothe Jhon Haspe and Harvy speake to the said Barbor to write the obligacion betwixt them to that effect, against two of the clock the next day in the after noone.

Ales Wattie, servant to William Button of Cambridge, in keeper, confessed the 16 of July, 1579,

That Mr. Boothe, of Gonvill and Caius Colledge, followinge her into the seller (the day she dothe not remember), did then and there offer unto her this deponent xx^{s}· (wherof she saythe she saw then in his hand one peece of gold), that he the said Mr. Boothe might have to do with her, sayinge unto her further, he would also be her dayly frend; the which mony she this deponent then refused (as she saythe), and presently made complaynt hereof to her dame. The which her dame also acknowledged to be true, the 7 of July aforesayd; and did at the time of the complaynt reprehend Mr. Boothe for the same (as she then sayde).

This confession of Ales Wattie before named, and of hir dame, was made before Mr. Hawes and Mr. Browninge, fellowes of Gonvill and Caius Colledge, and William Button and his man, in the howse of the said William Button.

Item, that the goodwife Edwardes, dwellinge in Briggestreate, confessed on Thursday, beinge the 3 day of September, in the presence of Mr. Browninge, Mr. Hawes, good man Perce, and his wife, that she had receyved of Haspyes wife xij^{d}· on condicion that she should take an othe for hir honestie in the coorte; which she sayd also that in consideracion therof she did; and yeat seminge to

be sory for the same, sayd in excuse of her selfe, that when she did sweare, she toke her for an honest woman, althoughe since she hath heard otherwise of her.

Item, that the goodwife Ward, dwellinge in the same streete, confessed at the same time in the presence of the fowre persons before named, that she did receyve from Haspyes wife xij^{d}· on condicion that she should for the same take an othe for the said Haspies wifes honestie in the coort; which she at the time appointed, beinge better advised, refused to do; for which cause, as she saythe, since that time Haspies wife would have had her xij^{d}· agayne, but that she wold not departe therwith.

Item, that goodwife Horner, in the forsayd streate, confessed on Friday, beinge the 4th of September, in the presence of Mr. Bland and his wife, Mr. Browninge, and Mr. Hawes, that she had receyved of Haspies wife, on condicion that she should take an othe in the coort for hir honesty, xij^{d}·, and that she so did.

The like at the same time confessed the goodwife Foxe and the goodwife Saunderes, in the presence of Mr. Bruninge and Mr. Hawes.

Also the goodwife Shapheard the same day confessed the same in the presence of Mr. Browninge, Mr. Hawes, and goodman Perces wife.

Last of all the goodwife Roggeres confessed the same day, in the presence of Mr. Browninge, Mr. Hawes, and Perces wife, that she receyved of Haspyes wife xij^{d}· to the end aforesayd; but that att the time appointed she refused to goe and sweare with her.

The goodwife Saunderes confessed that she had but xij^{d}·; but that she should have had more, yf Hapsies wife had had yt.

De reis infamiæ. Statuto 51.

De visitatore et appellatore quomodo procedent, et qui sunt visitatores. Statuto 44.

De non appellando. Statuto 49.

21° Julii, 1579, consensu et assensu omnium sociorum præsentium, determinatum fuit, Magistrum Booth, socium ejusdem collegii, reum esse infamiæ, ob crimen adulterii, eumque statuto de reis infamiæ contineri juxta quasdam probationes inde factas.

Huic decreto supradicto, sive determinationi, accessit etiam assensus custodis, ut patet ex depositionibus.

DEPOSITIONS RELATING TO THE EXCOMMONING OF BOOTHE.

[From MS. Lansd. no. 28, arts 92 and 93.]

Depositiones testium coram D. Bing, procancellario, super libello Booth et positionibus additionalibus.

7 Octobr. 1579. Stephanus Perse, in artibus magister, socius, et unus syndicorum collegii Gunvill et Caii, in Cantebrigia, ætatis 30 annorum, juratus, respondet in causa contra Remigium Boothe, in artibus magistrum, mota, ut sequitur ad libellum.

1. *Ad primum articulum affirmative.*

2. *Ad primam partem* 2. *affirmative; ad secundam partem, viz. prout in præsenti, etc. respondet,* that he, the said Booth, doth remayne in the said colledge as felowe; and he beleaveth and is perswaded that he owth not to be felowe.

3. He beleaveth it was about the time limited in tharticle; at what tyme, upon sufficient informacion (as it was thought), bothe for the statutes of the howse and their consciences, thei passed a generall consent agaynst the said Booth, that he was conteyned in the statute *de reis infamiæ,* bothe of the master and felowes, without anye importunitie, and it seemed every one being as willing as other: which consent was wrytten, and called a decree (but this respondent thynketh it be none). And that this consent was not pretensed, or without good grounde, he, the said Booth, seemed to acknowledg; for when he was called to heare the same, he requested of our master and felowes to staye in the colledg but one forthnight: and whether this consent were according to lawe, or not, it was not respected (as this respondent dothe suppose), bycause this seemed to be the judgement of all the companye, that they were to procede according to our statutes and conscience, not according to lawe.

4. He was owt of commons and sising for the space of a month or more, upon the former consent, as he beleveth; but this respondent hath hard it said, that the master did request the said Booth to kepe his chamber for a tyme. He was not forbid his commons by any of the felowes, as far as this respondent beleveth; saving, as he beleveth, Mr. Tracy, steward, in the masters name, did forbid to provide commons for Booth, etc. And he never did knowe of anye of the fellowes that by violence did forbyd the said Boothe from the hall, or his commons in the same; but he saith, that on a time the master and president going owt of the towne, Mr. Boothe, being before out of commons and sysing, then began to sise; and then the steward,

not knowing (as he saith), and as this respondent believeth, that he had any leave so to do, wylled the butler not to gyve hym any thynge; and yet the said steward saith he had and did sise tyll farther worde was hard from the master. And further saith, that one tyme Boothe coming to commons in thall, some of the fellowes did rise from the table, and so goe away; but whether he had leave of the master or president or no, he can not tell: and he beleveth that one went out of the chappell when Booth came in.

5. He beleaveth that he did desier to appeale unto the visitours; but at the first the said felowes did not assent unto the same, yet afterward they did assent that he should have his appeale; and also dothe beleave that the said Booth did appeale to the visitours named in the libell. *At ad reliquum articuli affirmative.*

6. *Respondet*, that he doth not remembre or beleve, that after that Booth had been with the visitours, he did request any other fynall determinacion but this, that they should revoke the said former decree; which was denied unto the said Boothe.

7. He never hard the allegacion that it was *casus omissus*, as farr as he remembreth, neyther the allegacion that Mr. vice-chancellour was the ordinarye judge in this case; but ons in the chapell he harde Booth make twoe requestes, thone that the companye would reverse their former sentence, or els gyve hym leave to appeale to Mr. vice-chancellour; which was denied.

8. He beleaveth, that towching the deciding of this matter, neyther the master, neyther the felowes, be under the jurisdiction of Mr. vice-chancellour.

9. *Refert se ad prius responsa, et sic credit, et non aliter.*

Thomas Hawes, in artibus magister, socius et unus syndicorum dicti collegii, ætatis 27 annorum, juratus, respondet.

1. *Affirmative.*

2. *Ad primam partem affirmative; ad secundam, viz. in præsenti, etc.* he beleaveth that now he is not felowe, nor woorthie to be accompted a fellowe of the said colledg.

3. He beleaveth, that they being congregat together, about the time limited, had such informacion, that they might well satisfie their conscience, and so make a good and lawfull decree; and to that all did assent, and agree that he was conteyned in the statute *de reis infamiæ;* and no violence or importunitie was used, onlie the president, when all had gyven their assent, said unto the master, Nowe it remayneth that yow should declare what yow thincke, for withowt

yow we can do nothing: wheruppon the master said, I thincke as you thincke; and so gave his consent.

4. He was out of commons, but with the masters and felowes decree and appointment, and not by the felowes alone; and he doth not knowe or beleve that any of the fellowes, eyther by violence or unlawfullie, did hold backe the said Booth from his commons in thall. And he saith, that Boothe comyng to the table in thall, certayne of the felowes departed; but whether Booth had leave of the master or president, or whether thei knew of it, he can not tell; and he beleveth he had not. And what was done in the chapell he knoweth not.

5. *Respondet*, that Booth did require of the master and felowes their consent to appeale to the visitours, which at the first they stayed, but afterward did gyve their consent; and so Booth made his complaynte to the visitours, who refused to heare the same untyll he were pronounced by the master.

6. *Respondet*, that the president, in the chapell, did signifie unto the fellowes, that Mr. Booth did desier theim to call backe their voices towching the decree made against hym; which they denied to doe: and, upon further information, he beleveth that Booth did requier *jus et justitiam et causam suam terminari finaliter*, as it is in the article.

7. What wordes were spoken of *casus omissus*, or the like, he dothe not remembre; but he saith that Booth did desier leave to complayne to Mr. vice-chauncellour, but they refused the same, by cause by statute they thynke they maye not grant such request; but Booth afterward appealed to Mr. vice-chancelour.

8. He beleaveth that neyther the master nor felowes be subjecte to the jurisdiction of Mr. vice-chancellour in such thing as concerne their colledg, or matters of the same, where and when they maye ende the same; for they have a statute to the contrarie, viz. that none of their controversies shalbe ended by the civill lawe, but within their colledg onlye.

9. *Refert se ad prius responsa, et deposita, et non eredit.*

13 Octobr. 1579. Depositio Johannis Fingley, collegii Gonvill et Caii, butler, ætatis 25 annorum, jurati in dicta causa.

7. *Deponit*, that Mr. Tracy comyng into the buttery, where he found Mr. Boothe and thys deponent, did charge this deponent that he could not suffer Mr. Boothe to syse, and so, in the hearinge of this deponent, dyd forbyd Boothe to syse; and yet this deponent

said unto Mr. Tracy, that the president had geven unto him commaundement that he should suffer the same Boothe to syse as a fellow: but this deponent neyther hard Mr. Tracy to forbid Mr. Boothe to come into the hall to comons, eyther in the hall, eyther in the buttery. And further saithe, that the fellowes mentioned in tharticle, beinge at the table, did send for this deponent, and asked of him why he did suffer Mr. Boothe to syse; and he aunswered, that Mr. president did geve him commaundement to let him syse: and also saythe, that Mr. Tracy did set on this deponentes heade that that Mr. Boothe had sysed. How longe Boothe was out of comons, neither when he came into comons, he can not tell. Neyther the master, neyther the president, did commaunde to this deponent that Boothe should come to the commons, but the president did only will this deponent to suffer Mr. Booth to syse as a fellowe, and this deponent was not charged uppon the losse of his office; but Mr. Tracy and Mr. Paman straightely charged hym that he should not geve unto Boothe eyther breade or drinke, or a cuppe, or suffer him to come into the buttery.

9. He did never heare any of thos mentioned in tharticle to say to any that Mr. Boothe was no fellow; he did not see any ryse and go away from the table; but he hathe heard say, that Mr. Tracy, Paman, Browninge, and Mr. Hawes, did rise and went from the table, when Mr. Boothe came in and did sit downe; and this deponent ons did see Mr. Paman come out of the chappell; but for what cause he did come forthe, he can not tell.

JHON FINGLEY.

Willielmus Sorell, collegii prædicti cater, ætatis 30 annorum, juratus in dicta causa, deponit.

7. *Nescit deponere ad aliquam partem articuli*, but that, on a tyme, Mr. Boothe came into this deponent spence or howse, and ther had and tooke certayne meate; and after dynner Mr. Tracy came unto this deponent, and asked him why he had or did delyver unto Mr. Boothe any meate; and this deponent said, that the butler had told him, that the president would that he should syse vj$^{d.}$ a weeke in this deponentes office; and then Mr. Tracy did will him to deliver unto Mr. Boothe no more.

9. *Nescit deponere.*

WILLIAM SORRELL.

Depositio magistri Ricardi Swale, in artibus magistri, ætatis 34 annorum, jurati in prædicta causa ad articulos libelli.

1. *Affirmative.*

2. *Ad primam partem affirmative;* and, *secundam,* he belevethe it is true.

3. About the time limited in the article, uppon a certayne rumor spread abroad, the master and some of the fellowes thought it good to enquire further of the said rumor, for ther owne informacion, and to lerne the truthe; and after suche informacion as they at that time had, and divers of the fellowes at divers times beinge importunate with the master to proceede, at the lengthe the master and fellowes meetinge together, uppon the said former informacion, did decree that Mr. Boothe was *reus infamiæ,* and conteyned in the statute *de reis infamiæ;* but whether it was uppon just and sufficient proofe in lawe, he can not depose.

4. *Deponit,* that the said Boothe was not at the time pretended by the master, president, or any other lawfull decree debarred, or excluded from his commons; but only the master, perceavinge the fellowes uppon the late rumor to disdayne his company, requested the said Boothe to abstayne from the hall for a time, not meaninge but that he should have his commons in his chambre in the meane season. Whyther any one of the fellowes at any time did forbid Boothe to come into the hall to his commons, he can not depose; but he belevethe that ons, in this deponentes absence, after that he had commaunded the butler, by the masters consent, to deliver bread and drinck to Boothe, when he shold send for yt, that one of the fellowes, with the consent of the rest, or some of them, did commaund the butler that Mr. Boothe should have neither bread nor drinck: and he hathe beene credibly informed, and dothe beleeve, that when Boothe came to the table, that divers of the fellowes did rise and went from the table, and divers tymes afterward for that cause abstayned from the table; and he hathe heard, that one of the fellowes departed at one time from the chappell when Boothe came in.

5, 6, 7. *Affirmative.*

8. *Non vult deponere, quia est quæstio juris.*

9. *Refert se ad responsa sua prius in hac causa facta.*

Idem ad additionales.

1. *Credit esse vera,* savinge that he doubtethe whither thei did *animo jurandi* or no.

JOANNES BAXSTER.

2. *Affirmative*, savinge that he dothe not remember that Sir Davyll was examined, one of the witnesses mentioned in tharticle; and that Buttons mayd was not examined before the said master and fellowes, but by two of them only, at her masters howse; and that the greater parte of the fellowes were not present at the forsaid examinacion, but fower of them.

3. *Affirmative*, saving that he dothe not knowe what Mr. Boothes meaninge was in offeryng to come into the chamber when Haspies mayd was in examinacion; neyther dothe he remember what wordes Mr. Tracy or Peerse used when they willed Boothe to depart.

4. *Nescit deponere.*

5. There was no other thretning against the mayde, but only uppon her obstinate refusall to take her othe, beinge lawfully comaunded: what the mayde hathe sence confessed touchinge feare and threatninge wordes, or whether she hathe acknowledged any or no, he dothe not know.

6. *Affirmative*, savinge that he can not depose whether the decree was sufficient in law or no. And further, that he beleevethe that the master himselfe did commaund Mr. Boothe to stay and heare what should be decreed against him.

7. He belevethe that yf Mr. Tracy did commaund Mr. Boothe, in the masters name, to absteyne from the commons in the halle, that he did more then was committed unto him by the said master, whoes meaninge was only, that Mr. Boothe, in his name, shold be requested to abstayne for a time from thalle. *Cætera credit esse vera.*

8. *Credit esse vera*, savinge for the cause of her presentacion by the churchwardens he dothe not know.

9. *Credit esse vera;* and he deposethe, that divers of the fellowes twyse did desyre the master to pronounce sentence against Boothe, and that the master at thoes times refused so to do; notwithstandinge he did not resolutely refuse the same, but only uppon occasion did thinke good to take further deliberacion: and saythe that he, this deponent, beinge once required, as president, in the absence of the master, to pronounce the sayd decree, refused so to do, and especially ons in the courte.

10. *Refert se ad prædeposita et acta.*

RICHARD SWALE.

Depositio magistri Jo. Tracy, in artibus magistri, socii dicti collegii, ætatis 34 annorum, jurati ad libellum.

1. *Affirmative.*

2. *Ad primam partem affirmative; ad secundam, viz. prout in præsenti,* he beleevethe that neyther he is nor should be.

3. He beleevethe that the proofe that they had was sufficient *ad informandos animos* and for ther statute, wheruppon they did consent that the said Boothe was *reus infamiæ;* and that was done *unanimi consensu,* without any greate importunitye.

4. *Ad primam partem,* he was out of commons; *secundam, negative; tertiam,* he was not prohibited by any violence; but Boothe demaundinge of this deponent whether he were in commons or no, had aunsweare, that he thought he was not; and Boothe cominge to the table into thalle, certayne of the fellowes departed: but whether the master or president did consent therunto, or no, he knoweth not; but he beleevethe that the master and president did wishe that he should have absented himselfe from the table: and for the chappell, he can say nothinge.

5. *Affirmative,* savinge he dothe not remember that the said Boothe was denied the same at any time.

6. *Deponit,* that Boothe required of the master and fellowes *jus et justitiam; et quod secundum jus et justitiam audirent et terminarent finaliter causam suam, et prætensum decretum supra mentionatum cassarent, adnullarent, etc.;* and the first part they grawnted unto him, and the second they denyed.

7. He beleevethe that Boothe desired to have his matter hard before Mr. vice-chauncellour; but that was denyed unto him.

8. He beleevethe it was not *casus omissus;* and therfore that the master and fellowes be not subject to Mr. vice-chauncellores jurisdiction in this case.

9. *Refert se ad prædeposita.*

Item, ad additionales.

1. *Affirmative,* sayinge they did it *ad informandos nos, non animo murmurandi,* as he beleevethe.

2. *Affirmative,* savinge alle mencioned in tharticle were not examined before the master and fellowes; and saving that he beleevethe that they did it not *in ejus maximum præjudicium, sed ad veritatem investigandam.*

3. *Ad primam partem affirmative; ad secundam,* he knowethe not

quo animo he did come, bycause the said Boothe usually dothe come to listen at the dores; and therfore he was byd, but whether by any of them two which be articulated he dothe not remember, to depart, without any threatninge or allegacion of the statutes, as far as he knowethe.

4. He saythe, that he beleevethe that the said witnesses did aunswere rather as they were perswaded then of ill will. For the rest he referethe him to the lawe.

5. She was not threatned to confesse any thinges, but she was commaunded to take her othe under the payne of goinge to prison. *Reliquum articuli credit esse falsum.*

6. *Affirmative,* savinge that the said Boothe was called, and would not staye.

7. *Ad primam partem affirmative, viz. ad quæque, et si ad reliquum,* he saithe, that the butler told this deponent that the president had willed that Boothe should syse, but he did not beleeve that, because he hard no such word from the master or president; and therfore, as apperteyning to his office, as he beleevethe, he willed the butler not to deliver any thinge unto Boothe. But yet Boothe did syse, which this deponent did set upon the butlers head at the weekes end; and the butler did signify unto thos fellowes who be mencioned in the article, that the president willed Bothe to syse, who did not beleeve the same, as the deponent beleevethe. *Ad reliquam nescit deponere.*

8. *Nescit deponere.*

9. *Ad primam partem nescit deponere;* but he belevethe it might be spoken. *Ad reliquam ut supra ad* 4 *articulum libelli sive allegat.;* and farther, *quoad ultimam partem hujus articuli, videlicet, quodque supradictus magister, etc. deponit affirmative.*

10. *Refert se ad prædeposita.*

JOHN TRACIE.

Depositio Roberti Churche, sacræ theolog. bacc., socii collegii prædicti, ætatis 30 annorum, jurati ad libellum.

1. *Affirmative.*

2. *Ad primam partem affirmative; ad reliquam nescit deponere.*

3. He belevethe that the informacion was good, and not synister; and saiethe, that uppon the same some of the fellowes desired the master to heare and determyne somwhat of the matter; wheruppon

the master and fellowes, congregate together, did consent that Boothe was *reus infamiæ*.

4, 5, 6, 7. *Nescit deponere, quia abfuit.*

8. He belevethe it is not *casus omissus*, and that in this matter the master and fellowes ar not subject to Mr. vice-chancellours jurisdiction.

9. *Refert se, etc.*

Idem ad positiones additionales, etc.

1. *Nescit deponere.*

2. *Deponit*, that uppon a certaine rumor raysed of Boothe, the master and fellowes caused certaine persons to be sent for, which were examined uppon the said facte, Boothe beinge absent and not called; and the most part of the persons articulated were examined twyse, and at the latter time the mayd was sworne.

3. Boothe was not called, nor present, when the former witnesses were called and examined; but when the maid was examined, Boothe cam to the dore, with what intention or mynd this deponent can not tell, and there uttered certane trubled speache; unto whom eyther Mr. Tracy or Perse did speake, and willed him to be quiet, and so to depart; but ther was noe mencion of the statute.

4. *Credit contenta in articulo non esse vera.*

5. *Ad primam partem negative*, only this was said by the master unto her refusinge to sweare, that yf she should refuse to sweare, the daunger was emprisonment. *Ad secundam partem, viz. quæ quidem famula, nescit deponere, nec credit esse veram; ad tertiam, viz. quodque dicti magister et socii, negative.*

6. *Deponit*, that, about the time limited, the master and fellowes, uppon suche informacion as they had receyved by the witnesse examined, gave ther consent that Boothe was *reus infamiæ*, and so, by force of the statute, to be *non socius;* but before this consent was made, Boothe was called for, to see what he could say; but he would not come.

7, 8, 9. *Nescit deponere, quia domo abfuit.*

10. *Refert se ad ante deposita.*

Robertus Churche.

Concordat cum originali. Ita testor,
Joannes Bacster.

Responsiones magistri Step. Pers ad positiones additionales.

1. *Respondet*, that there were brought before the master and felowes the twoe persons mentioned in tharticle, but by whoes meanes he doth not well knowe; but he beleveth that eyther Mr. Gerard, or Hawes, or bothe of theim, did inquire in the Bridge Streete for such only as he beleaveth to serch owt a trewth, and otherwyse he dothe not beleave.

2. *Respondet*, that Dale, Samuell Cooke, and Hasbies mayde, were before the master and felowes being congregate together, and examined, and the mayde was sworne; and he hath hard that some of thother mentioned in tharticle was examined by the said master and felowes uppon a certayne rumor; and Mr. Boothe was not present, and whether he was called or no he can not tell; but he beleaveth he was not called.

3. *Respondet*, that at what tyme this respondent was present Boothe was not present; and Boothe was absent when the othe was mynistred unto the mayde, and he beleveth he was not called to be present at the oth given; and Boothe cam to the doore at the tyme of examinacion, and offered to come in, but he was willed to depart, as he beleaveth, by Mr. Tracye, and he beleaveth that it was the meaning of the master and felowes; but what Mr. Tracye said unto hym he can not tell. And this respondent beleveth also that he willed the said Boothe to depart in the masters name, as he remembreth, but never mentioned the statute of disobedience.

4. He beleaveth that the article, and all in the same conteyned, is false.

5. He beleaveth that the master said to the mayde, refusing to take her othe, that yf she would not sweare, he might sende her to prison; and further beleaveth that the whole article is false, saving that when the mayde was sworne, the master or some of the fellowes moved the said mayde to consyder her othe, and the daunger of the same; but whether the said maide hath sence said as is mentioned in the said article, he dothe not knowe, but he beleaveth she hath not.

6. *Respondet*, that when the master had called the felowes to his chamber, they there congregated stayed a good while lookyng for Boothe, whom the master said he had warned then to be present; and the said master said, that forasmuch as he did not come, he had agayne sent his man to seeke hym. And so when they had stayed a good while, upon such informacion as the master and

felowes had, they were perswaded that Boothe was *reus incontinentiæ*, and so in danger of the statute *de reis infamiæ*, and so consented that according to the statute he should *ipso facto* be expelled; and he beleveth that Booth was sent for to heare of their proceedinges and their consent.

7. He beleaveth that Mr. Tracy did saye to Mr. Boothe, that the master of the colledg wylled that Booth should not come into the hall to commons, for that Mr. Tracye did tell or say so much to this respondent since his first examinacion: and upon this the said Booth was owt of commons about one moneth. And he saith that the butler did tell unto this respondent, in the presence of thoes whoe he mentioned in tharticle, that the president wylled hym the sayd butler to let the said Booth to syse; and further beleaveth that Mr. Tracye did forbydd that he should sise, in the presence of thoes mentioned in tharticle, and would not lett that that was sysed to be sett upon Boothe his heade, but upon the butler and caters heade; and the rest of the article he beleaveth to be false.

8. He hath herd, and doth beleve, that she was purged *sexta manu* before the judge mentioned, and that her compurgatores were corrupt, and that she was dismissed from the office here mentioned, as he beleveth, and that the mayd was one of the compurgatores here mentioned.

9. He beleaveth that none of the fellowes said to or of Booth as is mentioned in tharticle; *ad reliquum articuli refert se ad deposita ad libellum;* and he beleveth that the master, requested to declare or pronounce the decree, refused then so to do.

10. *Refert se ad ante deposita.*

Responsiones magistri Tho. Hawes ad positiones additionales.

1. *Respondet*, that Mr. Gerrard and this respondent, about the tyme limited in th'article, went unto Dale and Haspes their howses in the Bridg Street, to understande the truthe of this cause, for that the said Dale was with Hasbye when he tooke Mr. Boothe in his wieffes chamber; but that he did this *animo injuriandi, etc.*, he beleaveth that Booth wyll not thynck, for that the said respondent was then Booth his speciall freende and most did defend hym; and further beleaveth that upon such reporte as Mr. Gerrard and this respondent made, the said Dale was sent for.

2. *Respondet*, uppon the rumor of this matter spredd in the towne, about the time her mentioned, he beleaveth that Dale, Cooke, the mayde, and Noble, were examined before the master and certen

of the felowes then congregated, and the mayde sworne; and he beleveth that Boothe was not called, nor present, at the examination or othe of any of the witnesses; of the rest of the said wytnesses he can not answere.

3. *Respondet*, that when the mayd was sworne and examined, and th'other wytnesses mentioned in the last former answere, he beleaveth that Booth was not called nor present; and whether Booth cam to the doore, and was put backe, he can not tell, for at that tyme he was not presente. To th'other contents of this article he beleveth as Mr. Perce hath answered to this article, because he hath herd Mr. Perce so confesse.

4. He beleaveth that nothyng in the article is trewe.

5. *Nescit respondere, quia tunc abfuit*, and beleaveth that it is not trewe.

6. *Respondet*, that about the tyme mentioned in tharticle, the master about five of the clocke at night did send for Boothe, and wylled hym to be present after supper, bothe to heare what was objected against hym, and to sey what he could for his defence; but Boothe answered that he could not tarye so longe; wherupon the master presently sent for the companye, and wylled Boothe to stay tyll their commyng, which he refused; and then the master and felowes being come togyther (for as Boothe would not tarye) did procede agaynst hym absent as though he had been present. And upon such informacion as they had (which they thyncke sufficient), they being congregat together, proceded agaynst hym, and thought hym gyltie in the said statute, and consented that he should be removed.

7. He saith he dothe not knowe whether that Mr. Booth, being in the hall, was prohibited by Mr. Tracye or no; and further sayth, that the butler did saye that Mr. president wylled hym to let Mr. Boothe to syse, and beleaveth that Mr. Tracye did forbyd the same; but he knoweth not whether that Mr. Tracye did sett upon the butlers and caters head that that Boothe had sysed, but he doth not beleve that he did charge the said butler and cater that he should not sise upon the losse of their office; and beleaveth that Booth was out of commons for a certayne tyme, but how longe he knoweth not, but he beleveth a moneth or theraboutes.

8. He beleaveth that the said Hasbies wieff was presented before the said officiall, and purged with *sexta manu*, wherof her mayd was one: *ad reliqua credit*.

9. For his owne parte he thynketh he is not bounde to accuse

hymselfe; and for thother, he never hard any of the felowes so reporte, or saye, as is specified in tharticle. *Ad reliquum articuli refert se ad responsa ad 4 articulum libelli, seu allegationis, apud acta.* And beleveth that the master was required as is in this article mentioned; and than answered that he wold deliberat upon it.

10. *Refert se ad prius responsa.*

MATTHEUS STOKYS.

[From MS. Lansd. no. 28, art. 94.]

Acta habita et facta coram venerabili viro magistro Thoma Binge, legum doctore, almæ academiæ Cantabrigiensis procancellario, in aula inferiori dicti domini procancellarii, infra hospitium suum in oppido Cantabrigiensi, vicesimo 4° die mensis Septembris, hora octava ante meridiem ejusdem diei, anno 1579, coram me, Johanne Backstar, not. pub., in locum et vicem Mri. Matthæi Stokes, registrarii academiæ Cant. prædictæ, propter absentiam ejusdem, in registrarium per eundem dominum procancell. assumpto.

Remigius Boothe, artium magister, contra magistrum ac socios collegii Gonvill et Caii, infra academiam prædictam.

QUIBUS, etc. ego præfatus Johannes Backster certificavi dicto domino facta fide, etc. me ex decreto dicti domini procancellarii monuisse personaliter invent. magistrum Thomam Legge, legum doctorem, magistrum collegii prædicti, ac socios collegii prædicti, ad comparendum prædictis die, hora, et loco, coram dicto domino procancellario, ad videndum et audiendum quid dictus Boothe per viam querelæ, queremoniæ, seu supplicationis, omnibus melioribus via, modo, et forma juris, quibus melius aut efficacius potuit aut potest, ac quatenus sibi magis expediens esset, adversus eos proponere aut allegare, ulteriusque facturum, responsurum, et auditurum, quod justum fuerit in ea parte. Et statim comparuit prædictus Boothe, ac præconizatis et sufficienter expectatis dictis magistro et sociis, comparuerunt magistri Swale et Tracye, in artibus magistri, ac socii, ut asseruerunt, collegii prædicti, et allegaverunt sese constitutos specialiter fuisse et esse procuratores seu syndicos dictorum magistrorum et sociorum, et sufficiens mandatum habuisse et habere vice et nomine dictorum magistrorum et sociorum istis die, hora, et loco, et ad effecta prædicta comparendum, petieruntque quatenus ex parte dicti Boothe declaretur quod allegare seu proponere velit. Deinde dictus Boothe non consentiendo dictis Swale et Tracy, ut procancellarius, etc. syndicis prædictis nisi et quatenus, etc. per viam que-

relæ, queremoniæ, supplicationis, seu implorationis officii dicti domini procancellarii omnibus melioribus et efficacioribus via, modo, ac forma juris, quibus melius aut efficacius de jure potuit, poterit, aut potest, non modo ad omnem juris effectum exinde sequi valentem, sub protestatione de addendo, proponendo, specificando, et magis specifice declarando, in scriptis seu apud acta si et quatenus ei magis expediat, eamque protestationem admitti petens, allegavit quod dictus Remigius mense Octobr. ultimo elapso, seu circiter hujusmodi tempus, socius ac in socium prædicti collegii electus et admissus fuit ac est, cum omnibus et singulis proficuis et juribus socii collegii prædicti, quodque dictus Boothe socius ac in societate sua hujusmodi, ac in possessione ejusdem pacifice et quiete per nonnulla tempora elapsa post prædictas electionem et admissionem permansit, proque socio hujusmodi fuit communiter dictus, tentus, habitus, nominatus, et reputatus in collegio prædicto et in academia prædicta, prout in præsenti revera permanere debuit ac debet, et sic est et existit, seu saltem sic esse et reputari socius hujusmodi debuit ac debet; quodque mense Julii ultimo elapso, seu circiter hujusmodi tempus, ponit autem de quolibet alio tempore ac de tali et tanto, etc. quali et quanto, etc. per prætensam et violentem, de jure insufficientem ac sinistram nonnullorum prætensorum informationem, socii dicti collegii, saltem major pars eorundem, absque consensu nostro, seu saltem per importunitatem eorundem sociorum, cum consensu seu assensu dicti magistri ad id habito seu ratificato, absque cognitione, præsumptione, ac probatione, saltem de jure sufficiente taliter qualiter, decreverunt dictum Boothe reum fuisse et esse infamiæ in prætensa quadam causa adulterii, fornicationis, seu incontinentiæ, nulliter, saltem omnino insufficienter, contra eundem Boothe criminaliter mota seu promota; quodque præmissorum ratione dictus Boothe per nonnulla tempora non gaudebat in aula communi dicti collegii apud mensam temporibus consuetis communibus sociorum et societate dicti collegii, quodque sæpius seu semel a sociis prædictis, seu saltem a majore parte eorundem, prohibitus fuerit loco prædicto ejusdem communibus gaudere; quodque a nonnullis sociis prædictis, seu saltem ab uno eorum, consentientibus, instigantibus, et opem seu consilium in ea parte præstantibus, per vim seu alias illegitime ac contra tenorem statuti prædicti dictus Boothe sæpius seu semel prohibitus ac detentus fuit ac erat a perceptione communium sociorum collegii prædicti tempore seu temporibus consuetis in aula prædicta; quodque etsi dictus Boothe, ex consensu magistri seu, eo absente, præsidentis

dicti collegii, seu saltem eis vel eorum altero non prohibentibus seu non prohibente, sæpius, seu saltem semel, dictus Boothe accessit in aula dicti collegii ad mensam talem ad percipiendum communia sociorum dicti collegii, ac etiam ad sacellum dicti collegii ad audiendum preces dominicas juxta statuta collegii prædicti, dicti tamen socii seu eorum nonnulli incontinenter post accessum dicti Boothe ad locum et loca prædicta ad effectus prædictos, ignominiose et in contumeliam dicti Boothe decesserunt, in maximum præjudicium dicti Boothe, et contra jura et statuta prædicta; quodque post præmissa dictus Boothe ex præmissis sentiens et intelligens sese maxime gravari, humiliter petiit a prædictis magistro et sociis licentiam ad appellandum procancellario, seu querendum ab hujusmodi gravamine ad visitatores dicti collegii per statuta eisdem constitutos ac secundum tenorem et effectum eorundem statutorum, cujus dicti Boothe petitioni dicti socii, saltem eorum major pars, nullo modo assentire voluerint, saltem per spatium temporis alicujus; tandem tamen dicti magister et socii ad id congregati assensum et consensum suum præstiterunt dicto Boothe ad appellandum, provocandum, seu querendum a gravamine prædicto ad visitatores per statuta dicti collegii constitutos. Qui Boothe secundum ac juxta effectum statutorum dicti collegii appellabat, querebat, et provocabat omnibus modis quibus sibi magis expediebat, a præmissis gravaminibus omnibus et singulis, et eorum quolibet, ad venerabiles viros visitatores dicti collegii per statuta collegii prædicti constitutos, viz. magistrum Henricum Harvey, legum doctorem, magistrum collegii sive aulæ communiter vocatæ Sanctæ Trinitatis; magistrum Johannem Hatcher, in medicina seniorem doctorem in academia prædicta; et Robertum Norgate, sacræ theologiæ baccalaureum, magistrum sive custodem collegii Corporis Christi, communiter vocati Sancti Benedicti, in academia prædicta; qui quidem visitatores, etsi ex partibus et per partes dictorum magistri et sociorum, et etiam ex parte dicti Boothe, sæpius ac instanter requisiti fuere in se suscipere præmissorum cognitionem, ut visitatores dicti collegii, ac ad audiendam et terminandam querelam, querimoniam, appellationem, seu provocationis prædictæ ac integri processus et decreti prætensi prædicti contra dictum Boothe; dicti tamen visitatores simul in unum congregati, quia ex visu et inspectione dicti prætensi decreti non apparuit consensum magistri adhibitum fuisse dicto decreto prætenso, seu saltem quia per prædictum magistrum et socios, seu per magistrum et majorem partem sociorum prædictorum, hujusmodi decretum non fuit, nec erat, nec adhuc est pronunciatum seu declaratum,

nec sententia per eos lata, nec adjudicata contra dictum Boothe, seu saltem ex alia causa seu ratione prædictos visitatore movente, recusaverunt sæpius, seu saltem semel, ut visitatores per statuta collegii prædicti constituti, et sic quilibet eorum recusavit in se suscipere, ad audienda aut terminanda præmissa sic pendentia inter dictum Boothe et præfatum magistrum et socios; quodque prædictus Boothe post præmissa sæpius, seu saltem semel, accessit ad magistrum et socios dicti collegii in unum congregatos, ab iisque sæpius, seu saltem semel, ac instanter, instantius, et instantissime, petiit ac requisit (allegando dictos visitatores officium visitatorum in se suscipere recusavisse et recusare) jus et justitiam, ac quod secundum jus et justitiam audirent et terminarent finaliter causam et controversiam suam, ac prætensum decretum supra mentionatum cassarent, adnihilarent, et revocarent, et sic cassum, nullum, et irritum fuisse et esse pronunciarent et decernerent, sicque dictus Boothe in pleno jure, titulo, interesse, et possessione socii et societatis suæ prædictæ permanere, computari, ac reputari, pronunciari, et decerni. Qui quidem magister et socii, sic ut præfertur ex parte dicti Boothe sæpius, seu saltem [semel], requisiti, præmissa, seu eorum aliquid, facere recusaverunt et adhuc recusant, seu saltem plus debito distulerunt, ac adhuc differunt, in maximum præjudicium dicti Boothe, et contra jura, prædicto Boothe dissentiente et de gravamine protestante. Quodque dictus Boothe post præmissa allegavit coram dictis magistro et sociis in unum congregatis, quod causa sua eo jam pervenit, quod fuit ac est casus omissus ac non determinatus per statuta collegii prædicti; quodque pro se et ex eo jure et ratione maxime conveniens fuit et est, causam et controversiam suam debito finire et terminare, et ulterius impendentem permanere de jure non debere, sed controversiam seu cursum suum et ejusdem terminationem per tempus nimis excessivum protractum et retardatum fuisse et esse; ac etiam pro eo quod venerabilis vir academiæ prædictæ procancellarius secundum statuta, privilegia, et consuetudines academiæ prædictæ fuit ac est judex ordinarius ad audiendum, terminandum, et finiendum causas et controversias scholarium dictæ academiæ, commoventes et ibidem initium assumentes, præmissorumque ratione judex ordinarius ac competens ad audiendam et terminandam prædictam causam seu controversiam dicti Booth, sic ut præfatur pendentem indecisam; dictusque Boothe sæpius, seu saltem semel, a prædicto magistro et sociis, seu, eo absente, a præsidente et sociis, ex consensu dicti magistri in unum congregatis, quatenus licentiam et facultatem dicto Booth concederent, ad proponendam querelam, quæremoniam, supplicationem, provocationem,

seu appellationem ad audiendam et terminandam causam et controversiam suam prædictam coram dicto venerabili procancellario; qui quidem sic requisiti præmissa seu eorum aliquod facere recusaverunt, et adhuc recusant; quodque præmissorum ratione aliisque ex causis pro loco et tempore congruis, proponendum et declarandum magis specifice dicti magister et socii fuerunt et sunt, in præmissis omnibus et singulis, subditi jurisdictioni domini procancellarii prædicti; præmissaque omnia et singula fuerunt et sunt vera, publica, notoria, manifesta, pariter et famosa, ac de et supra eisdem laboraverunt, et in præsente laborant, publica vox et fama in academia et collegio prædictis aliisque locis vicinis et circumvicinis, deque præmissis fuit ac est rite, debite, legitime ex parte Booth propositum, querelatum, etc. ut supra, quam allegationem, et contenta omnia et singula in eadem dictus Booth petiit admitti, præfatumque prætensum decretum cassari, annullari, et revocari, cassumque, irritum, ac nullum pronunciari et determinari, una cum expensis ex parte sua legitime factis, et protestatur de fiendis per vos, dominum procancellarium, prædictis et per sententiam vestram definitivam sive finale decretum, petiitque jus et justitiam in præmissis omnibus et singulis sibi fieri et cum effectu ministrari, præmissaque proposuit conjunctim et divisim non arctando se, etc. sed quatenus, etc. juris beneficio, etc. vestrum officium, domine judex, antedictis humillime implorando, petiitque ex partibus et per partes prædictorum magistri et sociorum collegii Gonvil et Caius prædicti præmissis omnibus et singulis responsum fieri, per vos decerni. Ad cujus dicti Booth petitionem dominus admisit allegationem prædictam, et contenta omnia et singula in eadem, si et quatenus de jure, etc., et decrevit monuitque dictos Swale et Traci eisdem respondere; qui quidem dicti Swale et Traci allegaverunt sese fuisse et esse ex consensu et assensu dictorum magistri et sociorum constitutos procuratores seu syndicos ad comparendum et ad cætera facienda pro eisdem in hac causa, ac mandatum suum ejusmodi exhibuerunt, si et quatenus, etc. et fecerunt sese partes pro eisdem, ac eodem nomine procuratorio allegaverunt per statuta collegii sui prædicti causam prædicti Booth coram dicto domino procancellario jam motam audiri et terminari debere per magistrum et socios dicti collegii, seu saltem per visitatores in statutis dicti collegii constitutos, supra in allegatione dicti Booth mentionatos et expressos, et per nullos alios ac per nullum alium judicem, præmissorumque ratione dominum procancellarium non fuisse nec esse competentem judicem in hac causa, in præsentia dicti Booth protestantis de nullitate, falsitate, et insufficientia conclusionis de jure allegatorum per dictos Swale et Tracie, inficiantes eadem esse vera, seu

saltem de jure concludere, et allegantes, ut supra in allegatione, dictos magistrum et socios et etiam dictos visitatores per dictum Booth rogatos ac requisitos fuisse sæpius et instanter, seu saltem semel, causam prædictam et controversiam suam prædictam terminare et finire; qui quidem sic requisiti recusaverunt et recusant, seu saltem plus justo distulerunt, et in præsenti differunt, dictosque visitatores sæpius, seu saltem semel, affirmasse sese per statuta collegii prædicti non potuisse nec posse audire aut terminare prædictam causam, et præsertim quia decretum prædictum non erat pronunciatum nec declaratum per dictos magistrum et socios; et pro eo quod sententia non erat lata in ea parte per dictos magistrum et socios, et propterea cum juri et rationi consonum fuit ac est prædictam causam audiri et debito finiri et terminari, dictum procancellarium judicem fuisse et esse in ea parte competentem, quam allegationem proposuit conjunctim et divisim, etc. ac petiit, ut supra, jus et justitiam in præsentia dictorum Swale et Traci respondentum dictum procancellarium non fuisse nec esse judicio competentem; ac etiam dicti Swale et Traci confessi sunt et recognoverunt dictos magistrum et socios consensum suum præstitisse dictis visitatoribus, et dictum Booth per viam querelæ, provocationis, seu appellationis, causam dicti Booth audiri et terminari per visitatores, eosque magistrum et socios fecisse diligentiam suam, et id quod potuerunt ad illum effectum; sed tamen dicti visitatores non existimaverunt sese potuisse aut posse, per statuta collegii prædicti, hujusmodi audire et terminare, præsertim quia sententia non fuit lata, nec pronunciatum aut declaratum fuit per dictos magistrum et socios prædictum decretum, et quod ea ex causa dicti visitatores noluerunt hujusmodi officium in sese suscipere in præsentia dicti Booth, acceptantes præmissa omnia et singula, si et quatenus, etc. et non aliter, etc. Et ulterius prædictus Booth petiit, quia dicti Swale et Traci non habent in præsenti mandatum suum seu procuratorium in scriptis conceptum sub sigillo collegii prædicti, quatenus tunc decerneret terminum ad ulterius procedendum in hac causa, viz. hora octava ante meridiem crastino die isto in loco, dictosque Swale et Traci monerent ut tunc interessent et exhibentes tunc et ibidem mandatum seu procuratorium suum in scriptis; ad cujus dicti Booth petitionem dominus procancellarius decrevit terminum, monuitque dictos Swale et Traci, prout fuit ex parte Booth petitum, in præsentia dictorum Swale at Tracie.

Ita testor,

JOHANNES BACSTER.

ADDITIONAL ARTICLES PUT IN BY BOOTHE,

REFERRED TO IN THE DEPOSITIONS.

[From MS. Lansd. no. 28, art. 95.]

Positiones additionales sive declaratoriæ ad allegata ex parte Remigii Booth alias habita et facta coram venerabili viro domino procancellario almæ academiæ Cantabridgiæ, in causa sua contra magistrum et socios Collegii Gunville et Caii, in academia prædicta per eum mota et adhuc pendente indecisa.

Pars dicti Remigii Booth addendo, sive magis specifice declarando, prædicta allegata et proposita per eum in causa prædicta, omnibus melioribus et efficacioribus via, modo, etc. necnon ad omnem, etc. allegatum, etc. allegatum et . . . . . fuerit probare intendit, si et quatenus, etc. articulatim prout sequitur.

Imprimis, videlicet, quod nonnulli socii collegii prædicti, et præsertim Mr. Gerrard et Mr. Hawes, seu eorum alter, mense Julii, contingente anno Domini 1579, jam instante, præsertim die decimo quinto illius mensis, seu saltem circiter hujusmodi tempus, circumibant et ambiebant villam, ac in villa Cantabridgiæ perquirebant, ac inquirebant in nonnullis locis infra villam Cantabridgiæ, et præsertim in loco communiter vocato The Bridge Streete, ubi invenirent aliquam personam, seu aliquas personas, quæ accusare potuit seu potuerunt dictum Boothe de crimine adulterii, fornicationis, seu incontinentiæ, ab eodem Booth commisso cum uxore cujusdam Johannis Hasbey villæ Cantabridgiæ; et post sermonem cum quibusdam, præsertim Dayle et Samuel, ab eisdem Gerrard et Hawes, seu eorum altero, habitum, dicti Gerrard et Hawes, seu eorum alter, seu saltem aliqui alii dicti collegii socii, procuraverunt dictos Dayle et Samuel, ac nonnullos alios perversos testes, accersiri coram dictis magistro et sociis in collegio prædicto, et ibidem quoad crimen prætensum dictum examinari; hæcque fecerunt, et quilibet eorum fecit, animo injuriandi et defamandi dictum Booth; et posuit conjunctim et divisim et de quolibet.

2. Item, quod anno et mense prædicto, seu saltem circiter hujusmodi tempus, magister et socii collegii prædicti, seu saltem magister et major pars sociorum tunc in collegio præsentium, taliter qualiter et de facto ex prætensa accusatione prædicti Hasbey, seu saltem alicujus alterius seu aliorum, procuraverunt nonnullos perversos testes seu perversas partes informantes coram prædicto magistro et sociis in unum congregatis accersiri, ac hujusmodi prætexto sic accersitos

contra dictum Boothe absentem ut non vocatum, ac in ejus maximum præjudicium, quoad crimen prædictum prætensum cum uxore dicti Hasbey taliter qualiter et de facto examinaverunt; ac eorundem prætensorum testium unam mulierem, videlicet famulam dicti Hasbey, taliter qualiter et de facto et de deponendo contra dictum Booth quoad crimen prætensum prædictum juramento oneraverunt; nomina vero hujusmodi prætensarum personarum sic examinatarum fuerint et sunt Johannes Hasbey, Dayle, Samuel Cooke, famula dicti Hasbey, John Mayer, dominus Davell, Andreas Noble, et famula cujusdam Button; ponit autem de quibuslibet aliis personis et nominibus, ac juratis, sive non juratis, taliter et tantum quoad et quantum, etc. et ponit ut supra.

3. Item, quod dictus Booth anno et mense prædicto, seu tempore prædicto, non fuit nec erat vocatus seu accersitus, aut præsens, coram dicto magistro et sociis aliquo tempore seu loco prætensi prædicti juramenti præstationis, seu examinationis prædictorum prætensorum testium, seu eorum alicujus, ad audiendum aut ad videndum quid vel quæ objectum seu objecta fuit aut erat contra dictum Booth, aut a quo seu a quibus, aut ad respondendum alicui materiei seu aliquibus articulis taliter qualiter et de facto contra eum et in ejus præjudicium quoad crimen prædictum objectis seu objiciendis, aut ad defendendum sese et causam suam; sed prædictus Booth toto ac omni tempore ac loco productionis, juramenti præstationis, et examinationis prætensarum prædictarum, absens fuit, non vocatus, sine contumacia ejusdem; quodque cum dictus Booth tempore prætensarum productionis et juramenti præstationis hujusmodi prædictarum accessit ad cubiculum magistri collegii prædicti, ubi tunc et ibidem magister et socii collegii prædicti erant in unum congregati, quoad inquirendum et examinandum hujusmodi prædicti prætensi criminis, eo animo ac proposito ut videret ac intelligeret objecta et prætensos testes contra eum productos, siqui tunc et ibidem fuissent, ac eo animo ac proposito ut exceptiones ac defensiones suas proponeret contra hujusmodi objecta et testes hujusmodi, ac etiam ut interrogatoria ministraret contra hujusmodi prætensos testes, siqui tunc fuissent, prout revera tunc et ibidem fuerunt nonnulli hujusmodi prætensi testes, seu saltem tunc ibidem dicta famula dicti Hasbey, tunc et ibidem præsens fuit; eumque dictus Boothe ad effectum seu effectus prædictos sæpius seu semel intrare voluit prædictum cubiculum, idem Booth sæpius seu semel impeditus ac prohibitus fuit per dictos magistrum et socios, ac per magistrum Tracie et magistrum Perse sæpius et iteratis vicibus, qui Tracie et Perse dixerunt

tunc et ibidem, et eorum uterque dixit dicto Booth, quod magister collegii prædicti eidem Booth imperabat, mandabat, quantus dictus Booth a dicto cubiculo et ejusdem ostio decederet, et non intraret, et quod nisi dictus Booth decederet et abiret ab ostio et cubiculo prædicto imperio et mandato dicti magistri, quod statutum inobedientiæ sociorum adversus magistrum contra eundem Booth executione demanderetur, secundum formam statutorum collegii prædicti; sicque dictus Booth seipsum contra hujusmodi prætensa contra eum objecta, et contra hujusmodi prætensos testes, defensione sua et causæ suæ uti non potuit, sed eadem frui aut uti prohibitus ac impeditus fuit ac erat, in sui maximum præjudicium, ut contra jura. Et ponit ut supra.

4. Item, quod testes prætensi omnes et singuli coram prædictis magistro et sociis, quoad crimen prætensum prædictum, producti, jurati, seu examinati, toto et omni loco et tempore productionis, juramenti præstationis, et examinationis eorum, fuerunt, prout in præsenti sunt, affectionati, partiales, in dictis ac depositionibus varii ac vacillantes, contraria ac repugnantia dicentes singulares ac minus verisimilia, nimium faventes dictis magistro et sociis, ac odio prosequentes partem dicti Booth per eundem et præmeditatum sermonem, verba proferentes mulieres inimicæ dicti Booth, ac in causa hujusmodi prætensa criminaliter mota de jure insufficientes, talesque fuerunt et sunt, taliaque deponent, quod eorum dictis seu depositionibus nulla fides adhibenda fuit aut est, seu saltem sufficiens fides de jure adhibenda non fuit nec est. Hæcque fuerunt et sunt vera, etc. Et ponit ut supra.

5. Item, quod tempore et loco hujusmodi prædictæ prætensæ productionis et examinationis famulæ dicti Hasbey, magister et socii prædicti, seu eorum aliquis cæterorum nomine, usi fuerunt seu usus est verbis minacibus contra dictam famulam, præsertim per verba Anglice sequentia, seu saltem per alia eisdem saltem in effectu consimilia, videlicet, *that if she would not take her othe, and confesse and uppon her othe affirme those thinges which she said her master had confessed before of her that she did knowe, viz. that Mr. Booth had lyved incontynentlye with her dame and was in bedd with her, and that she did knowe and see the same, they would send her to pryson and use her with extremitie:* quæ quidem famula citra tempus hujusmodi suæ prætensionis, productionis, juramenti præstationis, et examinationis, coram testibus fidedignis confessa est, et recognovit prædicta verba minacia, seu alia iisdem in effectu consimilia, hujusmodi metum et timorem in eandem famulam intulisse, quod sensu suo quodam-

modo orbata tempore hujusmodi productionis, juramenti præstationis, et examinationis, omnino ignorabat et nesciebat pro tempore quæ ab ea dicta et facta fuerunt, eaque quæ ab ea facta ac dicta fuerunt in præjudicium dicti Booth fuerunt et sunt dicta et facta timore et metu, et non ex scientia sua; quodque dicti magister et socii, seu eorum aliquis reliquorum nomine, tempore examinationis prætensæ hujusmodi *did send the said maid, as they said, to pryson, out of the doore of the saide chamber*, sæpius, seu saltem semel, timorem et metum eidem famulæ ad effectum prædictum inferendo, prout revera metum eidem intulerunt. Et ponit ut supra.

6. Item, quod præmissis non obstantibus, mense Julii ultimo elapso, præsertim vicesimo primo die ejusdem mensis, seu circiter hujusmodi tempus, contingente A. D. 1579 jamjam instante, dicti magister et socii, seu eorundem sociorum major pars adtunc in collegio præsentium, in unum congregati, taliter qualiter et de facto decreverunt et determinaverunt ex præmissis hujusmodi prætensis probationibus prædictum Booth criminis adulterii seu incontinentiæ prædicti reum fuisse et esse, eumque Booth in statuto collegii prædicti de reis infamiæ contineri, ipsoque facto non socium esse, referendo se ad prædictum prætensum decretum, si et quatenus ei magis expedit, et non aliter, etc. Et quod dictus Booth, in maximum præjudicium dicti Booth ac contra jura, non fuit vocatus nec præsens ad audiendum hujusmodi decretum prætensum. Et ponit ut supra.

7. Item, quod post præmissa, et præsertim mense Julii seu Augusti ultimo elapso, seu circiter hujusmodi tempus, cum dictus Booth fuit in aula dicti collegii intendens et volens percipere apud mensam communia sociorum dicti collegii, præsertim tempore prandii, Mr. Tracie tunc et ibidem præsens interdixit et prohibuit dicto Booth ejusmodi communia percipere, seu saltem expresse dixit eidem Booth quod magister collegii prædicti mandavit seu mandabat dicto Tracye quatenus idem Tracye eundem Boothe certiorem faceret magistrum prædicti collegii prohibuisse et prohibere dictum Booth a perceptione hujusmodi communium, et eidem Booth mandasse et imperasse, mandare et imperare, ne hujusmodi communia perciperet seu percipere præsumeret, quorum prætextu dictus Booth a perceptione hujusmodi communium abstinuit per nonnullos dies, et præsertim per spatium mensis, seu circiter hujusmodi tempus; quodque etsi postea tam magister prædicti collegii, quam etiam præses hujusmodi, mandabant seu saltem permittebant et consentiebant, quatenus dictus Booth communia sociorum prædicta percipere potuit et liceret, et ad

eundem effectum mandatum fuit officiariis seu famulis dicti collegii, videlicet, *to the butler and steward, or cater*, illudque mandatum fuit per prædictos famulos seu eorum alterum intimatum dictis magistro Tracye, magistro Perse, magistro Paman, magistro Gold, magistro Hawes, et magistro Browninge, et vi hujusmodi mandati seu permissionis licet dictus Booth per aliquod spatium, viz. *for ij. meales*, a prædictis famulis panem, potum, ac cibum habuit et percipiebat, dictus tamen Mr. Tracye, *at the end of the weeke would not suffer the butler or cater to set any thinge upon the said Booth his head, but sayd that the sayd cater and butler shold paye it, and did set so much as the sayd Booth had sised or taken of them the sayd butler or cater upon their heades. And further, after that,* præsertim tempore prandii proxime sequente præmisso, coram prædictis sociis supra in hoc articulo specialiter nominatis, in aula collegii prædicti, *the sayd Mr. Tracy, Mr. Paman, and other the sayd felows, whos names be befor in this article specified, did command the sayd butler, that the said Booth shold sise nothing under the losse of his office, and that the said Booth shold not come into the buttrye, nor have any cup with drinke, or any other thinge, out of the butterye to his the sayd Booth his chamber; and so the sayd Booth remayned out of commons, untill Mr. vice-chancelor did assigne his counsell, viz. from the* x^th^ *of August last, or theraboutes, untill the beginning of September laste, or theraboutes.* Ponit tamen de quolibet alio majori ac minori temporis spatio, ac de taliter, etc.; *and that all the sayd felows before in this article specified were present and consentinge and agreeing to the sayd doings and prohibition of the sayd Mr. Tracye and Mr. Paman above in this article mentioned.* Et ponit ut supra.

8. Item, quod præmissorum ratione, uxor dicti Hasbye fuit ac erat præsentata ordinario, videlicet magistro D. Randoll officiali domini archidiaconi Eliensis, ut ream adulterii seu fornicationis seu incontinentiæ, et præsertim cum dicto Boothe, minus vere, quæ uxor Hasbye judicialiter coram dicto domino officiali jurata, negavit sese hujusmodi criminis ream fuisse aut esse; eademque uxor Hasbye judicialiter et legitime ab hujusmodi crimine, præsertim sexta manu, purgavit sese per compurgatores legitime et judicialiter tactis, etc. juratos, quorum compurgatorum dicta famula dicti Hasbye fuit ac erat una legitime et judicialiter tactis sacrosanctis Evangeliis jurata, ac sic dicta uxor ab hujusmodi crimine fuit et erat libera et immunis, et per dictum dominum officialem ab eodem crimine et suspicione ejusdem absoluta ac relaxata per decretum sive sententiam dicti domini officialis. Ac ponit de quolibet alio majori ac

minori numero compurgatorum prædictorum, ac de tali et tanto ac quali et quanto, etc. Et ponit ut supra.

9. Item, quod prædicti socii supra in 7° articulo specificati, eorumque quilibet, unus seu aliquis, sæpius seu semel, dixerunt seu dixit dicto Booth in ejus præsentia, ac eo absente palam, publice, et privatim dixerunt seu prædicaverunt, dixit seu prædicavit, eundem Booth non fuisse nec esse socium dicti collegii; et cum dictus Booth accessit ad sacellum dicti collegii ad divina audienda, ac in aulam dicti collegii ad mensam ad percipienda communia sociorum prædictorum, socii eorundemve quilibet unus seu aliquis, animo injuriandi dictum Booth, in ejus contumeliam decesserunt seu decessit statim et incontinenter a prædicto sacello et prædicta aula et mensa, ac ibidem permanere aut moram trahere noluerunt seu noluit, in injuriam atrocem dicti Booth, et contra jura; et quod supradictus magister, seu eo absente seu consensu ejusdem præsidens dicti collegii, sæpius seu semel requisiti, recusavit et distulit plus justo, ac recusat et differt, prædictum decretum declarare aut pronunciare. Et ponit ut supra.

10. Item, quod præmissa omnia et singula fuerunt et sunt vera, publica, notoria, manifesta, pariter ac famosa, deque et super eisdem laboraverunt et in præsenti laborant publica vox et fama in collegio prædicto, ac in academia Cantabrigiæ, et in oppido Cantabrigiæ, aliisque locis vicinis et circumvicinis; præmissaque omnia et singula dictus Booth proponit conjunctim ac divisim, non arctando, etc. sed quatenus, etc. juris beneficio, etc. petiitque jus et justitiam in præmissis omnibus et singulis, et ea concernentibus quibuscunque, sibi fieri cum effectu ministrari officium domini procancellarii almæ academiæ Cantabrig. humillime implorando.

Concordat cum originali. Ita testor,

JOHANNES BACSTER,
notarius publicus.

[Endorsed.] Secunda allegatio sive materia additionalis Rem. Booth coram procancellario D. Binge, super qua examinati sunt testes.

THE VICE-CHANCELLOR'S SENTENCE.

[From MS. Lansd. no. 28, art. 96.]

Sententia acta pro Booth per D. Bing, procancellarium.

In Dei nomine, amen. Auditis, visis, intellectis, ac sufficienter discussis, per nos, Thomam Binge, legum doctorem, almæ academiæ Cantabrigiensis procancellarium, meritis ac circumstantiis cujusdam causæ, querelæ, querimoniæ, appellationis, provocationis, seu supplicationis, quæ coram nobis procancellario prædicto, inter Remigium Booth, in artibus magistrum ac scholarem in alma academia prædicta, partem agentem, querelantem, provocantem, seu supplicantem, ex una, et venerabilem virum Thomam Legg, legum doctorem, magistrum collegii Gonville et Caii, ac socios ejusdem collegii infra academiam prædictam, partes reas, querelatas, provocatas, seu supplicatas, in altera parte; aliquandiu vertebatur et adhuc vertitur, et pendet indecisa, prædicto Remigio Booth coram nobis judicialiter sedentibus pro parte sua comparente, ac sententiam definitivam sive finale decretum pro parte sua in causa prædicta ferri ac promulgari, jusque ac justitiam sibi fieri sæpius et instanter a nobis procancellario prædicto petente et postulante, dictisque magistro ac sociis per Stephanum Perse et Thomam Hawes, socios dicti collegii, procuratores seu syndicos prædicti magistri et sociorum in causa prædicta in scriptis cum sigillo communi dicti collegii constitutos, coram nobis similiter comparentibus, ac jus ac justitiam pro dictis magistro et sociis similiter petentibus; ruminatoque per nos toto et integro processu in causa prædicta coram nobis judicialiter habito et facto, ad sententiam nostram definitivam sive finale decretum nostrum procedendum fore duximus, et in hunc modum qui sequitur procedimus. Quia per acta actitata, allegata, exhibita, confessata, probata, cæteraque in prædicta causa habita et facta, com-

perimus et invenimus, prædictum Remigium Booth intentionem suam deductam in quibusdam allegatis apud acta habita et facta, necnon in quadam materia additionali seu declaratoria ad eadem allegata, incipiente, *pars dicti Remigii Booth addendo, etc.* ex parte dicti Booth oblatis, quæ quidem allegata ac quam materiam additionalem sive declaratoriam pro hoc dicta et infecta habemus et haberi volumus, sufficienter fundasse seu saltem probasse, intritoque effectuale ex partibus aut pro partibus prædictorum magistri et sociorum allegata, proposita, confessa, excepta, aut probata fuisse aut esse, quod intentionem dicti Booth elideret seu quomodolibet enervaret; idcirco nos, Thomas Binge, legum doctor et procancellarius prædictus, judicialiter ac in judicio sedens, factisque prius per nos omnibus et singulis de jure, privilegiis, consuetudine almæ academiæ prædictæ, per nos in hac parte fiendum, decretum seu determinationem in prædictis allegatis et materia additionali sive declaratoria mentionatis per prædictos magistrum et socios contra dictum Remigium Booth taliter qualiter et de facto habitis et factis, nullum, inutile, irritum, cassum fuisse et esse, et viribus juris caruisse et carere, pronunciamus, declaramus, ac definimus, illudque decretum annullamus, irritamus, et revocamus, dictumque Remigium Booth ante hujusmodi prætensum decretum seu determinationem prædictorum magistri et sociorum ac quolibet medio tempore interim ac citra, sicut in præsenti, a reatu infamiæ ac ab infamia in prædicto prætenso decreto mentionato liberum et immunem fuisse et esse, et sic de jure esse debuisse et debere, et locum et jus, titulum, interesse socii et collegii, ac in collegio prædicto societatis suæ pristinæ ac in societate sua pristina, simul cum omnibus et singulis eisdem societatis ac socii juribus, proficuis, commoditatibus, et pertinentibus, de jure ad eundem Remigium Booth non obstante decreto sive determinatione prædicto spectasse et pertinuisse, spec-

tare et pertinere debuisse et debere, eademque omnia et singula eundem Booth percipere debuisse et debere, dictumque Remigium Booth loco socii et societatis suæ pristinæ, ac jure, titulo, possessione, ac interesse quocumque socii et societatis suæ pristinæ, cum omnibus et singulis suis juribus et pertinentiis, gaudere, ac in eisdem omnibus et singulis permanere pacifice et quiete debuisse et debere, proque socio et ut socio hujusmodi prædicto, cum omnibus suis juribus et pertinentiis, tam in collegio quam extra, haberi, computari, ac reputari, palam, publice, et notorie debuisse et debere, pronunciamus, decernimus, et definimus; dictosque magistrum et socios omnibus melioribus et efficacioribus via, modo, et forma juris, quibus id melius aut efficacius de jure potuit aut potest, in expensis legitimis in causa seu lite prædicta ex parte dicti Remigii Booth factis et prædicto Booth seu deputato suo solvendis et satisfaciendis, insuper condemnamus, per hanc nostram sententiam definitivam sive finale decretum nostrum, quam sive quod fecimus et promulgamus in his scriptis. Taxationem vero hujusmodi expensarum nobis aut alieno judici in hac parte competenti cuicumque reservandam et reservamus.

Facta et lata 22° die mensis Octobris, 1579, hora prima pomeridiana, in consistorio almæ universitatis Cantabrigiensis in præsentia mei, Mathæi Stokes, notarii publici, in præsentia Thomæ Nevill, Jo. Huchinson, et Nicolai Foster, in artibus magistrorum, testium lectionis et promulgationis sententiæ infrascriptæ specialiter rogatorum et requisitorum.

THOMAS NEVILL.
JOHN HUCHENSON.
TH. BETTES.
NICOLAS FOSTER.

Concordat cum originali. Ita testor,
JOHANNES BACSTER,
notarius publicus.

THE BISHOP OF LONDON TO LORD BURGHLEY.

[From MS. Lansd. no. 29, art. 45.]

To the right honorable and my singuler good lord, the lord treasorer of England.

My dutie remembred to your good lordship. I understand by Mr. Deane of Ely that your lordship hath a good inclinacion to redresse the disorders in thuniversitie of Cambrige in twoo speciall pointes, viz. in the stayinge of contentious prechinges, and unsholerlike apparell, and in those matters would have myne opinion: for answer whereof, although I know your honors wisdome is noe more to be holpen by myne advise then a litle candle can further the light of the sonne, yett for my duties sake I will shew your lordship what I thinke. First, that all lycences grantyd by the University maie be called in, and grantyd of newe by the heades to such as will subscribe to tharticles synodicall, as in all dyocesses yt is used; and that bondes be taken of the parties that theie shall prech noe innovacions, as I doe use in grantinge of my lycences. For the 2., that the heades of the howses maye be injoyned by your lordship to see everie man to his owne company, that both at home and abrode they use scholers apparrell accordinge to ther statutes; or els to crave thaid of the rest of the heades to expell such stubborne persons out of thuniversitie, as will not submitt theimselfes to that ordre; and this to be done by some injunction from hir majestie to authorize the heades in that behalfe. And this I thinke woulde be a good way for both offences; for *stultitia ligata in corde pueri virga disciplinæ fugatur*, and by none other means. Yt maye please your lordship to lett me understand, whether we shall send our answer to hir majesties letters touchinge our woodes to hir majestie immediatlie, or to your lordship, which maie informe hir highnes of yt.

Lastlie, yf your lordship would stand my good lord to helpe me to Winchester, and Mr. Daye hither, because Ely hangeth upon manie uncertein pointes, trulie, my good lord, you shall fynd me as thankefull as anie that ever receved benefytt at your handes; for beinge soe neare, I shoulde be ready tassiste the bishop of London, which peradventure would be some ease to him, and not unproffitable for thecclesiasticall governement. This I am bould to wryte, yf thother whom hir majestie hath named doe refuse it. Thus most humblie cravinge pardon, I beseech God blesse your lordship with good health and longe lyfe. From Fulham, this vjth of March, 1579.

Your lordships, humbly at your lordships commandment,

JOHN LONDON.

DISPUTES WITH THE TOWN.

[From MS. Harl. no. 7037, p. 310.]

Aprilis 8°, 1580.—Ambiguities and doubts appertaining to the corporation of the town of Cambridge, in the articles drawn between the University of Cambridge and them, whereof in part they crave explanation.

1. FIRST, where the University desire to have all privileges, rights, etc. which they now have, or at any time heretofore by the more part of 20 years have had, exercised, or used, etc., the said corporation of Cambridge pray, for the avoiding of controversies and suits that may arise, that they will sett down what things they have used.

2. Likewise that those colleges which by statute, etc. have any such servants as they desire to have, shall shew their statute, etc., for the avoiding of controversies that may hereafter arise.

3. Determination of pleas of victuall, appertaining to the clarkship of the market, we yeild to the University, etc. But contracts of victuall brought to be sold by way of merchandise do belong to the maior, according to the composition, and so used time out of minde.

4. Item, where in the second grant, comprised in the new charters, they would have granted unto them as great jurisdiction between foreiner and foreiner as they have heretofore used; it appeareth by their charter they have authority to hold plea of these only causes, where a scholer or scholers servant is one of the parties, and of none other.

5. That these which be butchers, bakers, or brewers to any college, should not exercise these occupations, nor any of them, nor any other occupation, in the town.

[From MS. Harl. no. 7037, p. 310.]

Simple and plain answeres of the University of Cambridge to the ambiguities and doubts supposed by the corporation of the town of Cambridge in the articles drawn between them and the said University.

Those supposed ambiguities for the most part do rest all upon one main ground, though in shew they pretend diversity of matter. For custome and usage is the thing which chiefly through these particulars is called into question. Wherefore, to avoid tediousness in often repeating one thing, it is to be understood, that as all other reasonable societies, so the University is directed and governed partly by such law as is committed to writing . . . . . .

[Cætera desiderantur in MS°. D. Gale.—Baker.]

[From MS. Harl. no. 7037, p. 298.]

The usuall grounds and arguments of the townsmen whereby they would justify their encroaching upon our liberties and jurisdiction.

That both our bodies are governed by one prince, and we live under one law, therefore, etc.

That the town and University are joyn'd in one commission of the peace, therefore, etc.

Answere in behalf of the University to the former arguments.

If the living under one prince, and being governed by one generall law, authority of law, be a sufficient cause to mingle or confound severall jurisdictions, then to what end serveth the grants of priveleges for exempting some from the jurisdiction of other, or for exempting any from the usuall course of the common law? Nay, why are divers courts appointed for divers matters; as the Arches for one kinde, the Common Place for another, the Kings Bench for another, the Chancery for another, etc.? It is evident what and how great absurdities would follow of this argument; and therefore it is not good.

2. That they who are joyned in one commission of peace are of one authority, we take to be true, unless there can some speciall exception be shewed. But the charters of the University except such causes as concern scholers; as may appear by plain words of the same, wherein there is expressly set down not only of what matters the University should take cognition, but also the method and order of proceeding, the manner of determining, and of the place and court; and that with prohibition to all other judges, justices, maiors, bailiffs, or ministers whatsoever.

Objections. Here the townsmen will say, that the University charter is to be understood of such causes only as

depend before us, already pleaded on both sides; for so they are wont to interpret *placita.*

Respon. But we answere, that the scope and purpose of the charter is plain, that scolers may live in peaceable manner, and not be withdrawn from their studies by actions of strangers, but might have ready redress of all their wrongs before competent and domesticall judges. Neither may the word *placitum* be straitly taken, as the town would enforce; but it must needs be extended to all such controversies as any ways may be brought to the judiciall hearing of the magistrate. For otherwise this absurdity might follow, that a townsman trespassing against a scholer should never be corrected unless the maior would. For the maior, by prevention geting the trespasser into his protection, might always object against the chancellor or vice-chancellor that the matter had never been pleaded before him; which were a foule inconvenience to admit, and therefore the word *placitum* not so to be expounded.

Howbeit, admitting their interpretations for arguments sake, yet can it not avail them. For sith the chancellor or vice-chancellor, etc. hath authority not only to hear such *placita,* but also *cognoscere querelas, sectas, transgressiones, etc.* as well at the suit of the party grieved, as also by inquisition *ex officio;* the straitning of one word may not exclude the princes benefit, which is contained largly in the naturall sense of other words. Specially seeing the charter doth not only say *placita transgressionum,* but also *placita et transgressiones;* and again, *placitis et transgressionibus.* But, in very deed, experience sheweth that this objection of *placitum* is but a meer cavil; for among divers examples that may be alledged to prove it otherwise taken, two are extant very notable. The one is the late reign of king Hen. 8th; the other since the time of her majesty that now is. That in king Henries time toucheth the very cause of taking the peace; for so it was, that one Faune, a burgess

of the towne, had sinisterly procured a writt out of one of the kings courts for the peace to be taken by him against Mr. Ainsworth, the master of Peter-House. The kings highness was advertised of this attempt; whereupon his majesty caused forthwith to be awarded out a countremande to stay the former writt, as altogether contrary to the University privileges. And yet was your commission of the peace of as great force then as now it is, or else greater; our charters being not as then confirmed by act of parliament, as now they be.

The other example concerneth the licensing and correction of victuallers and tiplers, in the which matter the townsmen claiming an interest by reason of their commission for the peace, it pleased her majesty to declare unto them, by her rescript, that their commission was not effectuall to justify their dealing in that behalf within the limits and precincts of the University, and therefore did prohibit them therein to attempt any further.

A copy of the said rescript is enclosed herewith.

GRACES OF THE SENATE.

Jun. 11, 1580.—Ut omnes doctores cujuscunque facultatis ferant suffragia in nominationibus procancellarii, lectorum, &c.

Ut omnis dissensionis materia, tam in illis viris punctim notandis qui in annuo procancellariatus munere vacantis competitores sunt futuri, quam in electionibus lectorum, omnino deinceps tollatur:

Placet vobis, ut omnes doctores cujuscunque facultatis in academia commorantes, licet collegiis non præficiantur, una cum collegiorum præpositis aut eorum vices gerentibus, 3 Novembris quotannis, viz. hora nona antemeridiana ejusdem diei in domo regentium conveniant, utque eorum

singuli ibidem, juxta senioritatem suam, unum aliquem ad procancellariatus officium nominent, e quorum numero iidem doctores sigillatim cum collegiorum præpositis aut eorum vices gerentibus duos punctis suis assignent et notent, quorum unus a senatu in procancellarium est eligendus.

Præterea placet vobis, ut omnes doctores una cum collegiorum præpositis aut eorum vices gerentibus convocentur et conveniant quotiescunque occasio oblata fuerit, ut suffragia sua punctim cum collegiorum præfectis (more in procancellarii electione præscripto) in omnibus electionibus lectorum et reliquorum academiæ officiariorum; atque ut hæc vestra concessio seu ordinatio pro statuto habeatur, atque infra 10 dies proxime sequentes in libris procuratorum describatur.

Jun. 11, 1580.—Ut præfecti collegiorum theologi ad combinationem in concionibus teneantur, sicut reliqui.

Placet vobis, ut præfecti collegiorum theologi eadem lege teneantur ad combinationem in concionibus præstandis in omnibus diebus festis, exceptis diebus dominicis, ante meridiem, qua reliqui concionatores tenentur.

Hæc rogatio, ut et illa superior pro doctoribus, lata et sancita fuit anno Domini 1580, 11 Junii.

Procancellario JOHANNE HATCHERO, D. Med.
Procuratoribus { WILLMO. LAKIN. / JOHE. BRADLEY.

DISPUTE WITH THE HEADS,

CONCERNING THE TWO FOREGOING GRACES.

THE HEADS OF COLLEGES TO LORD BURGHLEY.

[From MS. Harl. no. 7047, p. 45.]

To the right hon. the lord Burghley, &c.

Our humble duties unto your good lordship remembred. May it please the same to understand, that of late such strange attempts hath been made both against our statutes and to our great injury, that for help therein we are compelled to fly unto your honors authority. For whereas the tenth day of the present month of June, by fundation, the pricking of two regentes to every of the fower common lectures, viz. philosophy, rhetorick, logic, and mathematics, was than to be done *per præpositos collegiorum*, two doctors of the towne, being no heads of colleges, were ready to intrude themselves to prick with us; but being gainsayd, by virtue of express words of our statute, and by consent of all the heades of colleges that were present, at length they gave place: yet the next day following, a congregation being called and continued to the afternoon, at evening prayer, when all men were at home at the service, except a few regentes and non-regentes, two graces were then propounded, the copies thereof ready to be shewed by the bearer; the one, that all doctors of the town, being no masters of colleges, should also prick with them in the nomination of the vice-chancellour, of the lecturers, and of all other officers; the other, to binde masters of colleges to the combination of preaching, both in the Sundaye in the afternoon and holydays, which are expressly contrary to our statutes given us by the queenes majestie, ready also to be shewed: not one master of a college present, or knowing or suspecting any such matter. For the vice-chancellor hath so often openly protested that he would

never go about or do anything without counsell and assent of the heades, that we could never think of any such deceit.

And although we know both these graces to be of no force, being contrary to our authorised statutes, and therefore, when occasion shall be offered, intend, under your honors favour, to withstand them, as void, and tending to sedition both in the Universitye and private colleges, weakning of our goverment and countenance, and overthrowing, and giving boldness to overthrow, all statutes now and hereafter made, if such stolen graces and close and pevish practices, opposite to our statutes, should be suffered. Yet forasmuch as by this their doing they may carry a countenance of statutes, and thereby hereafter breed contention amongst us, we thought it our duties with speed to declare these dangerous dealings unto your lordship, that upon the view of a few wordes of our statutes, to be shewed by the bearer, it might please your lordship to direct your letters to the vice-chancellor, regentes, and non-regentes, to the effect above said, which shall not only check these rash attempts, but also be a warning to them hereafter not to pass the like without just consultation before. And as for the doctors (being no masters of colleges), they are admitted to all consultations among us; but being thus admitted, they would proceed further to meddle, where certain persons only are appointed to be doers by our statutes. And thus, giving thanks for your lordships great pains and manifold benefits unto this our University, we humbly take our leave, this 15th of Jun. 1580.

Your lordships, etc.

Edw. Hawford.	Tho. Byng.
Joh. Still.	Andr. Perne.
Joannes Bell.	Robert Norgate.
Henr. Hervy.	Umphry Tindall.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 30, fol. 59.]

To the righte honorable my very good lorde, the lorde highe treasorer of England.

After due remembrance of my humble dutie towardes your honor, etc. it may please the same to be advertised, that ever since your honor did shewe unto us, the doctors of the Universitie, your lordshippes favorable countenance at Sir Giles Alingtons, some have at the elections offred themselves to prove whether they might be receyved or not at the prickinge, and specially for that your lordship did take the paines to declare your minde to two doctors, and did wright your favorable letters to the vice-chancellor, D. Howland, who hethertoe hathe suppressed them; they have thought that they might as well com by vertue of those your lordshippes letters, as sum inferior masters of arte by your lordshippes other letters. But truly, my very good lord, when the doctors came, I declared unto them that I had considered the statutes and your lordshippes letters, which bothe together made a sufficient number for the election, and I willed them to departe, whiche they did after a fewe frendlie wordes among us. I most humblie intreate your lordship therfore against the false informars to heare this the truithe, as also these fower articles followinge:—1. That the congregation the next day (themselves being present at the foer none) was not stollen, but lawfully warned and continued with the accustomed bell ringinge, and at due tymes likewise accustomed, viz. at iij. of the clocke, and not in tyme of divine service; for the cheef of them (as they will depose) departid at the end of the congregation home to the beginninge of service. 2. Also that the second grace dothe conteyne all the doctors remaininge in the hole Universitie, with the headdes of colledges, or their substitutes, not excludinge any doctors

resident in colledges. 3. Allso that the ij. graces be not directly against the statutes; and furder, 4, that nothing hathe bene now done that is not by former example confirmed and practised. A mervelous matter that our Cambridge masters of colledges cannot abide the doctors of their Universitie to be joyned withe them in matters of the Universitie; but are rather contentid withe their youngest masters of arte, yea and (as hathe bene experienced) with a bacchalor of arte brought into the regent howse against all reason and statutes. A mervelous matter that they can be contentid to burden with continuall preachinge bothe foer none and after none the hole number of regentes and non-regentes, and they theimselves not to be bounde to preache in the after nones, to incorage and give good example to the other, beinge of the younger sorte. The hole number of regentes and non-regentes have bene muche discountenansed and grevid withe their impositions; the non-regentes ever since coulde scant be gott to make a full congregation; and now, God be thanked, the doctors, the regentes, and non-regentes, are all well cherid and cumfortid withe these two graces; the non-regentes are now as diligent as the regentes. And if it please your lordship, for the entire greate love you beare to the Universitie, to permitt these graces a fewe yeares, undoubtidlie your lordship shall finde therby much quietnes, much amitie, and frendshippe, to growe amonge learned men. I take God to recorde I have ever loved order, good ordinances, and statutes, and doe not give eare to innovations, as some doe, who have made and woulde make new statutes withoute any cause, as I shall declare, with other thinges, unto your lordship at your commaundement. I doe not gape for benefices, for archdeaconries, deneries, bishoprickes, or any such like; but only desire that my painefull doinges this yeare may be accepted accordinge to my good will, of your lordship and other my superiors, beinge marvilous sory that your lord-

ship hath shewed your self to be offendid with the Universitie at their false complaintes. If you call to remembrance, when you wrott your honorable lettres to me for the preservation of trees at Quenes Colledge, I certified your honor how necessarie it was that a great compasse of trees showld stand for the bewtie and defence of the college; truly I woulde not have consentid to the fellinge for an c.$^{lib.}$ Did not they, notwithstandinge your lordshippes commaundement and my lettres, craftely and closely assemble themselves together, and forthwith in my absence wrott to your lordship and to the earle of Leecester letters in effect contrary to mine? Truly they are as *Dodonei lebetes; si moveas unum, moveris omnes.* And where they clayme my often promisse that I woulde doe nothinge without their consent, it may be true in sum one matter in tyme past, as the case required; but it is most false that I promised at all tymes so to doe. Thus your lordship may see that they are not ashamed to chalenge rule over the vice-chauncellor. This day, being the xxvth of June, there was a sermon *ad clerum* at St. Maries, and I caused the congregation to be continued to the schooles, and there were present Doctors Pearne, Styll, Fulke, Bell, Howland, and certeyne otheres of the headdes, and I think two c.th regentes and non-regentes, expectinge the readinge of lettres which were prepared for answer to your lordshippes letters, which I caused to be red openly before them all, and, as the maner is, willed the scrutators and proctors to proclayme, *placet nobis ut literæ modo lectæ possint sigillari sigillo vestro communi,* which was done and grauntid forthwith, amonge all the regentes and non-regentes, with great rejoysinge. Now, my good lord, the heeddes began to fume and play their parte; and woulde have had the lettres brought into a hedde, that any one of them might have denied the seale; which being never used in any other vice-chauncellors tyme I would not suffer. A wonderfull thinge that they

showlde bringe letters from your lordship to the Universitie, whiche they will not suffer the Universitie to make any answer unto. Ther was such a tumultuous noyse of them, that I dissolved the congregation for quietnes. *Agebatur ab illis quasi pro aris et focis,* so earnest were they to stoppe the answer of the Universitie to your honorable letters; there was never harde of any suche stoppinge before. Likewise one of the proctors by their meanes did withholde his key, against all dutie, and which hath bene a great hinderaunce to the sendinge of these letters. Now that I have described in parte their bolde and shameles dealing (as I will answer before God) with the hole Universitie (except themselves), I beseche your honor not to harken and give eare to them, being such as in respect of ambition care not what they rashlie doe and saye against your honors office here in Cambridge (I being your honors only deputé), their offence is committed against your honor, whome thei woulde blinde with their flatteringes. But, in Godes behalf, I beseche you to heare the bringer of this letter, who can declare all the thinges which I have mentioned lyvely and truly: he is an ancient doctor, learned, sober, and discreete, whome I trust your lordship will well lyke of; to him I have committed certeyne thinges not writen, who shall give attendance for your lordshippes answer accordinge as your lordship shall commaund at your owne leisure. I beseche your lordship to consyder the practise and sequele of theise complainantes, leste when the prickinge tyme of the nexte vice-chancellor and lectores shall come, if their complainte do take place, the vice-chancellor that now is be excludid with the other doctors. The maior of the towne shalbe alderman and a cownsellor; the vice-chancellor, perhappes, and other doctors shalbe as under the degree of a master of arte, if theise parciall, ambitious, and malicious headdes may have their will. If your honor doe not permitt these graces, or

other wayse put to your helpinge hand for a redresse, the hole Universitie of doctors, regentes, and non-regentes, wilbe utterly discoraged, and thinke themselves undone. Thus comittinge your honor to the Allmightie, I most humbly take my leave. Cambridge, 26° Junii, 1580.

Your lordships ever at commaunde,

JOHN HATCHER,
vice-chancellor.

LORD BURGHLEY TO ARCHBISHOP GRINDALL.

[From MS. Lansd. no. 102, art. 97.]

28 Junii, 1580.—The copie of a lettre written to my lords grace of Canterbury, sent by D. Howland. Upon occasion of a contest between the vice-chancellor and the heads, both sent their representatives to the chancellor; but hee being busy intreats the archbishop to hear the business, and to send him his judgment of the suit by Dr. Howland.

AFTER my most hartie commendacions to your good grace, I am bold to impart to your grace such contentions and controversies as of late are fallen owt in the Universitie of Cambridge, where I am unworthely the chancellor, betwene the vice-chancelour and the doctours of the towne of thone part, and the masters and hedes of the colledges on thother part, towching two graces latelie propounded by the said vice-chancelour in favour of the doctours of the towne and others, wherewith the doctors being hedes find themselves greved for that such graces should be propounded and proceaded in without their privautie, as thei pretend, against the late statutes and ordonnances of hir majesty. And theruppon I do hartelie praie your grace, for that either partie have sent upp one, as for the vice-chancelour, Mr. Doctor Barrowe, and for the hedes of the colledges, Mr. D. Howland, master of St. Johns Colledg, to open unto mee, as well the reasons of the one, as griefves of

thother for thes proceadings, to doe mee this pleasure and ease at this present, being buselie occupied here at the cort abowt sum greatar causes, as to here both the partyes, and to examin the same; which I rather desire your graces travaile in, for that I am sure the University and there statutes are better knowen unto your grace than to me; wherin if it shall please your grace to take paines by your self alone, or to call any others that have bene of the University to assist your grace, as yow shall see cawse, besides that your grace shall doe a godly act in making a peace betwene them, yow shall doe mee a great good turne at this time in easing mee of that travaile, which I canne hardly attend to with the rest of my busines. And to thend your grace maie the better proceade therein, I have sent you such lettres as this present daie I have receaved from either part; praieng your good grace that, after your paines taking, I maie understand what your graces opinion and advise shall be for the quieting and ordering of this contention, and what your grace shall thynk mete for me, as the chancellor, to doe, for the stey of these innovations.

THE ARCHBISHOP TO LORD BURGHLEY.

[From MS. Lansd. no. 30, art. 52.]

To the right honorable and my verie good lorde, the lorde Burghley, lorde high threasorer of Englande.

After my right hartie commendacions to your good lordship, accordinge to the requeste of your lordships late letter, I have hadd before me this forenoone, beinge accompanied with my neybor Mr. Deane of Westminster, Mr. Doctor Howlande and D. Barrowe, and heard at some lengthe what eche parte coulde saye; and have thought

good to sende unto your lordship herein the substance of that which was uttered on bothe sides.

The controversie did stande in two principall pointes. First, whether thes two late graces were disorderly and sumwhat fraudulently obteyned. Secondlie, whether the verie matter and substance of the graces were againste the statutes.

In the first matter we did not dwell longe, beinge a matter of circumstance; yet thus much we perceive, that in the manner of proceedinge for the obteyninge the said graces, thinges were handled (though not directlie againste the wordes of the statute), yet with some cunnynge and fynenesse, and not so syncerelye as were to be wished in suche cases and with suche circumstance. Abowte the seconde we stoode moste; wherein Doctor Howlande alleaged the precise wordes of the statute, cap. 34°, that the prickinge (as they terme it) of officers is by speciall privelege in the same statute reserved to the heades of howses, and, by a latter interpretacion from your lordship, to the heades or their deputies.

To that Mr. D. Barrowe alleagethe an other statute, cap. 42, entituled *de officio cancellarii*, wherein is a braunche that the chauncellour, or in his absence the vicechauncelour, maye make newe statutes, with this proviso, *sic ut ea his decretis nostris nihil detrahant aut officiant;* which in this case (saieth D. Barrowe) this new statute to adjoyne the doctors to the heades of colleges doth not; allthoughe Mr. Deane and I are of contrarie opinion, referringe the determynation to your lordship. The said Mr. Barrowe, for further defense, alleagethe an other statute made by grace (as these two laste were) concerninge the scrutatours; which office is nowe brought from free election apointed by the quenes majesties statute, cap. 36, to goe in course by combination, as the office of the proc-

tors dothe. To this D. Howlande answered, that he beleved your lordship was made privey to the alteration of that statute for the scrutatours; and added further, that if error were committed in that, it was no sufficiente warrantize for other errors afterwardes to be attempted, and especiallie for thes late erroures in thes two laste graces, etc. And thus muche in substaunce was alleaged on bothe partes for the former grace to adjoine doctours to the heades for election of offices.

For the seconde grace, that heades of colleges beinge divines shulde be bounde to preache in cowrse, as other younger men doe; Doctor Howlande alleaginge that, by expresse wordes of her majesties statute, cap. 11°, they are not bownde further then there owne free good will shall move them. The wordes be thes: *post tantum laboris susceptum, et tot pericula atque examina, nolumus plus laboris doctoribus imponere quam ipsi volunt sua sponte suscipere.* D. Barrowe, besides some glawnse att the usuall common place, that heades ought to geve good example, etc. alleaged that another of the quenes statutes, which appointeth order onely for sermons to be hadd on Sondayes before noone, was altered by grace to sermons on Sondayes and holydaies, bothe fore noone and after noone: which was answered to be no derogation to the quenes statute, but contrariwise rather a more ample accomplishinge of the same. A litle was saied also by D. Barrowe of the interpretacion of another statute, wherein is declared that it shall suffise to dispute twise againste a master of arte answering in divinitie; where the wordes of the statute be, a man for his fourme to proceade in divinitie sholde dispute twise againste a batchelour of divinitie: and yet was it thought by D. Howlande that your lordships consente was geven to all the sayd interpretations and alterations. And suerlie, for the tyme to come, I wishe your lordship shulde geve streicte charge that no alteration or interpretacion of sta-

tute hereafter doe passe by grace before the same have ben seen and allowed by your lordship.

Nowe, where your lordship is desirouse to knowe myne opynion for quietinge and orderinge of their contention, I knowe your lordship of your self can beste doe it; and I cowmpte the Universitie happie that it hathe you for chauncelour in thes unquyet tymes; your wisedome and authoritie maye worke more good with them then could be done otherwise. Notwithstandinge I will moste gladlie imparte myne opinyon, which is this: I thinke it verie requisite that thes laste graces shulde remayne as dassht, and not put in execution. The example will doe harme, if the quenes statutes be thus tossed, and the plaine meaninge of them overthrowen: so that some mylde admonition from your lordship, joyned with some exhortacion to concorde and amytie, I truste will paciffie the nowe vice-chancellour and the regentes, etc. who have of long tyme repyned at that statute for elections by the heades, althoughe the alteringe of it (in myne opinyon) wolde be occasion of many bytter contentions. And speciallie they will remayne the better satisfyed, if your lordship some waye signifie, that if the heades have any waye abused their privelege, ye will see it reformed for the tyme to come. On the other side, for the heades I meane, I wisshe that your lordship shoulde admonishe and exhorte them also to use their authoritie well and indifferentlie, to chuse the beste learned for their lectures, and for the vice-chauncelour alwaies to pricke two fitt men; and never hereafter to practize, that of the two nominated, one shulde be an unfitt man, and as it were a staale, to bringe the office to the other (which they did nowe in nomynatinge Doctor Hatcher, and taste of the frutes thereof) which ministreth a juste offense to the reste of the Universitie.

I wishe also that the heades which are divines sholde be exhorted to preache diligentlie withowte compulsion,

which will satisfie in the other pointe. And further, when the vice-chauncellour sendeth for assistance in conferences in publicke matters, I woulde like well of it, if he sawte also for the doctors of lawe and phisicke to joyne with the heades; it wolde be some contentacion to them; and, in dede, so it was moste usuallye (thoughe not allwayes) practised in my tyme.

This is my simple opinyon, to the which Mr. Deane also agreeth; referringe notwithstandinge the whole order to your lordship. I have warned D. Howlande and D. Barrowe to be with your lordshipe to morrowe morninge. I make the more haste because I wisshe thinges quyeted before the commencemente. I doe greatlie commende the sentences of humylitie and submission conteyned in the letters of the Universitie to your lordship. Godd kepe your lordship. From Lambeth, this laste of June, 1580.

Your lordships in Christe,

EDM. CANTUAR.

LORD BURGHLEY TO THE VICE-CHANCELLOR.

[From MS. Lansd. no. 102, art. 99.]

1 Julii, 1580.—The chancellor to the vice-chancellor and University of Cambridge, sending down his own determination of the two graces. Sent by D. Barrowe.

AFTER my very harty and loving comendations, with wishyng unto yow all, in generall and particular, the grace of Godes spiritt, to leade and conserve yow in concord and peace, so as the knolledg of God may increase amongst yow, that by your altercations and dissensions the enemyes of lerning and of the gospell have not just occasion to rejoyce therof, and spredd abrode slanderooss reportes, to the defamation of the whole body of that famoss Universety. And not without cawse do I symply begyn thus to wryte,

and from the bottom of my hart, perceaving as I have doone by late lettres receaved, sealed with your commen seale, and subscribed in the name of yow the vice-chancellor and senate, and other lettres also from all the heades and masters of colledges, subscribed with ther own proper names, that ther is arisen some clowd, conteaning a matter of some tempest of controversy, amongst yow, which, if by some favorable wynd of admonition, in Godes name, the father of peace, it be not blowen over or dispersed, is lyk to power owt uppon the whole body of that Universety some contagiooss and pestilent humor of contention, sedition, or some worss thyng than I will name. And uppon the recept of these contradictory lettres, and perusyd the grownds and causes therof, I was somwhat comforted in that both partes had so curteoossly and reverently (which I meane in respect of the office I have to be your cheff chanceller) referred the order and direction of all these begon controversies to my censure; wherin, although I thynk, by direct laws, ordonnances, and ancient customs of that Universety, I might challendg to my self such a power so to do, yet I cannot but very thankfully and comfortably accept this your courteooss and loving manner of yeldyng to be ordred by me. And therfor I have bene more carefull how to discharg myself therin; for which purpooss, without usyng any prejudiciall concept of judgment by myn own consideration of the cause, I did, by my speciall lettres, presently recommend this controversy and the whole cause to the most reverend father in God, my very good lord the archbishop of Cantyrburyes grace, requeryng hym both to consider of your lettres, and to heare as well Mr. D. Barrow, comyng with the lettres from yow the vice-chancellor, as Mr. D. Howland, master of St. Jhons Colledg, coming from all the heades of the colledges, and to peruse the statutes mentioned in this controversy, and to call to his grace also some persons of experience in such Universety causes: which I perceave,

and so Mr. D. Barrow can inform yow, his grace hath doone very diligently and paynfully, as by his lettres to me his grace hath signefyed, delatyng to me at good length what ether party hath alledged for mayntenance or disallowance of the ij. motions called *graces*, wheruppon the controversyes have principally arisen. And therunto his grace hath playnly imparted to me what he thynketh therof; wherwith, after some furder consideration of the particular chapters of the statutes ageynst which these graces have bene preferred, I do concurr; and so, although verbally I have pronounced my opinion to both the forsayd docters being the messagers at this tyme, who I thynk sufficient to declare the same unto ether part, yet I have thought my self not discharged in conscience and office without also expressyng my censure and determination, as your chancellor and cheff officer, in wrytyng; which I most ernestly requyre you, *per omnes charitates*, to accept, as from on that herin am touched with no particuler affect towardes any persons; but in the sight of God, whose assistance by his spyritt of peace I have invoked, I do declare my mynd as followeth, which, as your chancellor, I requyre to be obeyed and allowed.

I do think and judg it mete and necessary, that the ij. late graces shuld be reputed as voyd and nul. On wherof was a motion to have all other docters, not being heades of colledges, to be joyned with the docters that ar heades of colledges in the poyntyng or pryckyng of officers, though by the statutes the same be expressly lymitted to the heades; the second was, that docters in dyvinyté shuld be compellable to prech as frequently as other yonger devynes: which twoo, called by yow *graces*, though in dede *disgraces* to the quenes majesties statutes, may percase not be in precise wordes well avouched, because the same I have not presently with me at the wrytyng herof, yet my meaning is manifest unto yow, that I do deme and adjudg them to be

voyd, and not to be accepted as thynges to bynd any person therby. And though I have and do see manny reasons to move me hereunto, wherof I have expressed some to Mr. D. Barro, and that I hope ther will be none so unruly amongst yew as to impugn this my sentence, yet, as breffly as I may in a lettre, I will touch to yow a few reasons, as followeth. First, I can not allow to have any decres attempted to please a multitud, to the violation or alteration of any of hir majesties statutes, so lately with gret deliberation and advise made, and by that whole Universety accepted and approved, except ther shall be better consideration afor hand had than was in these procedynges; wherin I may not forgett to remembre yow, that in respect of the office I have to be your highest officer, and have never shewed myself careless of your causes, it had bene at this tyme mete and congruent, and so thereafter ought to be, to have made me first acqueynted, and to have had my clere consent, as well to the violatyng or changyng of your statutes, as I was at the first a principall author to procure them to be made. And though I perceave and heare by some report, that some of yow have in your defence alledged that yow had hertofor ner twoo yeres past moved this matter to me, as in dede yow did, and that I had allowed therof, which is not so, I omitt wordes of worss sense, to controll such reporters; and some hath, as I here, in open assembly, alledged that I did to that end wryte my lettres to Mr. D. Howland, than vice-chancellor, which he was charged to have suppressed. I am sorry in this, my commen lettre to yow all, to be constrayned to use some sharper speche than my nature alloweth of to be conteaned in a lettre from a chanceller to so lovyng scollars as generally I esteme yow; but my speches shall only touch the privat persons that have forgotten ther dutyes, to alledg an untrewth ageynst me, and not contented to spek of me untruly, being absent, but have hazarded rashly ther creditt ageynst D. Howland, that

was vice-chanceller, chargyng hym with suppression of my lettres. But, in few wordes, I affirme that I never did consent to this motion; nether did I wryte any such lettres to D. Howland for that purposs. Whan Mr. D. Hatcher, and, I thynk, his son-in-law D. Largher, and D. Barrow, as I remembre, moved me herin, and added an other matter, that the vice-chanceller and heades of colledges did not use to mak the oppidan docters acqueynted with the Universety causes, I answered, that I thought it reasonable they shuld be called, as others of ther degrees war, to be made acqueynted with the causes of the Universityes; but to have authorité with the heades in cases ageynst the statutes, I never assented. But I sayd I wold spek with the heades of colledges therin; as I did, and found good cause, in my opinion, as yet I doo, to the contrary; and that is principally because I thynk the statute very good as it is, to reduce the nomination of these kynd of publyck officers to be doone by a nombre nether too few for lack of consideration, nor committed unto too many for feare of confusion: and none better can I thynk than the heades of colledges, or, in ther absence, ther vicegerentes, who ar to be thought to have best knolledg of ther companyes both for discretion and lerning; and fewer do I not thynk than all the heades of the colledges, lest some colledges might lack preferment; and contrawise to increase this multitud by forrayn docters that have not *domicilia fixa*, but ar here and ther at ther plesures, and have not other speciall care or certen knolledg of the lerninges and discretions of scollars in colledges, must nedes carry an absurdité ij. wayes: the on is, that the nombre of such extraordinary or extravagant docters may excede the nombers of the heades, to controll ther censures grownded uppon knolledg; the second is, that ther may be by faction drawen a devotion of scollars from ther heades to serve the appetittes of forrayners, and so leave ther own fathers for step fathers. But because I se I

shuld exceede the lymitt of a lettre, if I shuld prosequut this matter, I will alter my purpooss with concludyng my formar sentence for both the graces, which without allegation of any argumentes ought to be accepted in favor of contynuance of lawes, ageynst any that will tak the office to abrogat; which yow know how in some comenwelth was so mislyked, as they war ordered to spek therof with ropes about ther neckes, you can tell why; and yet I do not lyke a stoyck maynteane this opinion, but I do know how the same may be lymitted in tymes and places. As for the intention of your last grace to compell docters to preach more oftenar than by constraynt they nede, I lyk well of all voluntary actions, specially in such actions as preaching is, wherin I thynk admonition more convenient than to mak new laws so suddenly ageynst laws in use; and so far furth am I moved to have them preach, as I wish them to lese the name and preferment of docters that will leave the office of docters, which is by etymology *to teach*. I must now end with my most harty exhortation to move yow all to concord, and to shew your ernestnes in observyng the laws which you have, and specially to be more carefull for government of the yowth of the Universety, being by common report far out of order, in followyng all sensuallité in sondry thynges that I will not now name; for I should than speke of sondry thynges ungratefull to heare, and yet not unknowen to yow that ar heades of colledges, nor to yow that ar by mariadg heades of famylyes.

LORD BURGHLEY TO THE HEADS.

[From MS. Lansd. no. 102, art. 98.]

Primo July, 1580.—A copie of the lord treasurours lettre to the heades of colledges.

I HAVE receaved your lettres by D. Howland, master of St. Jhons Colledg, by which and by his report I have understood manny more particular thynges than presently I am at lesur to answer by wrytyng; but consideryng the state of the controversyes arrisen, both for lacke of good lesure, and doutyng my own understandyng in such academicall questions, I did commend the whole causes, with all appendances, to my lord the archbishop of Cantyrburyes good grace, to be by hym considered at length, and to advertise to me his opinion, which he hath doone at good length; and therin after a furder privat waying of the matters, I have at on instant tyme impartid my determination to both the messengers, Mr. D. Howland and Mr. D. Barroo; and for a fullar satisfaction of the vice-chancellor and the body of the Universety, I have at more length than well my lesure served me for gretar matters at this tyme concerning hir majesty, wrytten, or rather in hast scribled, my lettres, to the which I dout not but Mr. vice-chauncellor will mak with the rest yow acqueynted; and therfor I omytt to repeate the same unto yow, prayeng yow, as heades or fathers of gret families, so to behave your selves in temperance as concord may rest in your famylyes, and that for no particular interest in gayne or preferment the publyck bandes of charyty be broken; but as yow can tech us your scollars under your pulpittes, so in your own actions let it appere that every on of your selves can forgyve the errors of others. And though I do disanull both the graces, which are different in nature, yet for the better tendyng to increase preching, though by any new

law yow be not compelled, yet se that yow be a law to your selves, that of *non docendo* you kepe not the name of *doctores*. And so by hast I end. From the court at Nonsuch, primo Julii, 1580.

DISPUTE WITH THE TOWN,

RELATING TO AN ASSAULT COMMITTED BY A TOWNSMAN ON A STUDENT.

[From MS. Harl. no. 7037, p. 297.]

The true report of the fact, 1580.

Upon Saturday, being the 28th of May, one Threader, a fellow of very evill usage divers ways, falling out with a bachelor of arts, called Sir Whitnell, one of the fellows of Trinity College, drew his dagger against the said bachelor; the bachelor fearing fled from him as fast as he could, but Treader still pursued him with his dagger drawn, uttering most blasphemous and horrible oaths. At the length, for that the scholer had escaped, he threatned, in great fury, that he would be even with him wheresoever he met him.

The scholer the next day came to D. Bing, the deputy for the vice-chancellor, craving a decree to convent Thredder, as also for that he feared, as he sayd, least Thredder, lying wait for him, should do him some mischief on the sudden. D. Bing granted a decree, and willed the bedell to summon Tredder to appear the next day before the vice-chancellor or his deputy. At the time appointed, being Munday, Thredder came. There being charged with the fact before rehearsed, and therefore lawfully convicted, and the said Sir Whitnell having taken also his corporall oath that he stood in fear of his life, or, at the least, of

some bodily hurt at Thredders hands, D. Bing demanded of Thredder what he had to say why the surety of peace should not be granted against him? Thredder a great while sayd many dilatory and impertinent speeches; in fine, being strictly urged to bring in sureties to be bound for him in that behalf, he plucked out of his purse, or pocket, a supersedeas which he had the day before obtained of the maior. D. Bing did consider of it as effectually as he could; and by further questioning with Thredder did plainly perceive, that although the said supersedeas was conceived in generall termes, without expressing the name of the said scholer, yet the maior had been made privy that a scholer had complained upon Thredder before the maiors grant of the same; whereupon D. Bing refused to admit that supersedeas, as directly opposite to the University charter, wherein her majesty hath by speciall wordes not only reserved to the University the cognition of all such trespasses against the peace, a scholer being party, but also utterly forbidden the maior, or any other forein judge or justice, to intermeddle therein. And D. Bing added moreover, that he doubted how it could stand with the maiors oath to be privy to the cause, and yet, nevertheless, to make such grant, protesting that he would further complain of that dealing, as occasion should serve. After this speech, D. Bing forthwith sent for the register of the University charter, and out thereof did read openly in the presence of Thredder the wordes of the privilege concerning that matter; and so determined that the said Thredder must either finde sufficient surety, or be committed. And having some space given him to try his friends, he made shew of a couple that should be bound for him; but ere the notary came who should take their recognisance, one of them had withdrawed himself, whereupon Thredder was committed.

LORD BURGHLEY TO THE MAYOR.

[From MS. Harl. no. 7037, art. 300.]

A copy of my lord treasurers letters to the maior and burgesses of Cambridge, touching Threadder and Sir Whitnell, of Trinity College, written the 25th of Jun. 1580.

After my hearty commendations; I have receiued letters of late as well from the maior and aldermen as from my Lord Northe, as steward of the town of Cambridge, touching one Thredder, a townsman, who, as I understand, was committed to prison by D. Bing, deputy to the vice-chancellor, for an assault made upon one Sir Whitnall, a bachelor of artes of Trinity College. In which your letters it seemeth you finde your selves much grieved, for that a supersedeas being granted by you, the maior, for the discharge of the said Threddar, was not allowed and accepted by D. Bing; complaining further, in generall terms, of sundry great injuries offered you by the University, such as you may not endure, but must rather be enforced to relinquish your habitations, as you write, and yet do not mention any particular matter other then this present cause before mentioned. Whereupon, having written my letters to the vice-chancellor and to D. Bing, misliking greatly that any just cause should be given unto you by them of any such complaintes as your said letters contained, I have received answere, that the supersedeas was in no wise to be admitted; for that the same tended greatly to their prejudice, being directly against their charter, whereby the cognisance of all such trespasses against the peace (a scholer being party) are reserved to the University only, and as well the maior as all other foreign judge or justice utterly forbidden to intermeddle therein. And that D. Bing, when the supersedeas was offered, did as much mislike your dealing, being privie that a scholer was a party, at what time you granted that supersedeas, as was likely

by many presumptuous. All which notwithstanding, I am content to yeild that Threddar be bayled upon sureties for keeping of the peace against Sir Whitnell, as I have partly signifyed to Mr. Baron Shute, your recorder, whome I mett yesterday upon the way homewardes; and to that effect I have written to the vice-chancellor and Mr. D. Bing. As for your generall complaintes, I pray you, when any cause shall happen betwixt the University and you that shall bread controversy, and wherein you shall think your selves injured, to advertise me thereof in particulars, otherwise these generall complaintes, containing no certainty, can not have credit nor remedy, as perhaps may require. For as I am an officer of the University to maintain and advance their lawfull privileges and charters, and to preserve them from being impugned or impaired by you, so shall you at no time finde me partially affected towardes the University that I will give them any assistance to do you wrong. And so trusting you will be satisfyed herewith, I bid you heartily farewell. From my house in the Strand, this 25th of June, 1580.

Your loving friend,

W. Burghley.

LORD BURGHLEY TO THE UNIVERSITY.

[From MS. Harl. no. 7037, p. 301.]

To my very loving friendes Mr. Dr. Hatcher, vice-chancellor of the University of Cambridge, and to Mr. Dr. Bing, master of Clare Hall.

After my very hearty commendations; I have received your letters, with a declaration of the cause concerning the committing of one Threddar, a townsman, for an assault made upon one Sir Whitnell, a bachelor of artes of Trinity College, wherewith I rest satisfyed touching your proceed-

ings. Nevertheless, I have thought good to yield, that upon the finding of sufficient sureties for keeping the peace against Sir Whitnell, he be put to liberty, as I have written to the maior and his brethren, and as I signifyed before to Mr. Baron Shute in his way to Cambridgeshire, with whome I had some speach in that cause, and imparted to him the substance of your answeres. And thus wishing you good and amicable accord with them as your neighbores, to the furtherance of common justice, without prejudice to your charters and privileges, whereof I will always shew my self a ready furtherer and maintainer as I lawfully may, I bid you heartily farewell. From my house in the Strand, this 26th of June, 1580.

Your assured loving friend,

W. Burghley.

DISPUTE BETWEEN THE UNIVERSITY AND LORD NORTH.

LORD NORTH TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7037, p. 292.]

To my very loving friend, Mr. Dr. Hatcher, vice-chancellor of Cambridge, and to the rest of the governors there.

Understanding (good Mr. vice-chancellor) by Killingbancke my man, who came late unto me yester night, that he was summoned before you by a bedell, and hath, as it seemeth, rather followed some causes of her majesties within his office then obeyed that authority; I am heartily sorry for his contempt herein, and am greatly grieved with him for the same, that he should in any wise refuse to obey the lawfull calling of a lawfull magistrate, which authority I both in conscience and by oath am bound to

uphold and defend; and therefore present my said servant unto you by my good friend, Mr. Goldwell, who was with me at the instant of his coming to me, to receive such correction for his contempt as shall seem good to your discretion for the quality of his offence: praying you most heartily to hear him speak, and thoroughly to examine the cause, before his condemnation; wherein you shall finde my man provoked with so many disorders, and so villainous speech uttered against me his master, as will somewhat lessen his offence, and is impossible for any servant to bear, if he love his master. My man is well known to the University and town that he is no quarreller, nor ever had unkinde action against scholer or other person for this 30 years. Now, Mr. vice-chancellor, and you, my masters of houses, it is not unknown unto you all, that lately, at Baron Shutts, I complained me of outragious deedes and words despitefully and villanously ministred against me. You all at that instant requested me to produce some one party, and you would then see reformation and due correction on the offender. Some have sayd, it is impossible to finde a needle in a load of hay; but I say, if there had been desire to finde the needle, the load of hay would have been rifled into. Since which time, by the great liberty of some idle and ill scholers, and by too much boldness, I have been most despitefully railed on, and most untruly reported of, by two scholers of severall houses. The one of them, and the matter, I will discover unto you; the other I will reserve untill the sequell of this. There is one Usher, an Irishman, of Trinity College, who continually raileth on me; and because he would be sure to speake where it might be taken up, he uttered these words before Goodwin, my man: "I would God, he, my lord North, would come to the quarter sessions to give the charge again, that we might laugh at him." I tell you, Mr. vice-chancellor, and without interest to my self I speak

it, that I wish all the divines in the University had heard what course I tooke in religion, and all the judges of the land had heard me for law, I durst and dare abide by the censure and judgment of them all. I take it in disdain to be abused by any idle scholer, or by the best of your body, being a magistrate and dealing in justice, to be thus railed on, despised, and publickly contemned. This scholer, and other his companions, do not only jest at justice, and me a minister thereof, but too abominably abuse the place of justice, where they come like lawless men, and keep sises and sessions, make judges, cryers, and prisoners, and so too jest and jibe at all our proceedings. When law is mocked, justices laughed at, and justice despised, this University must needs prosper. Now you have the man, his matter, and abiding place. One other more grievous than this I still keep to myself, lately uttered against me. Seeke such remedy herein as may quiet the cause. This cause, Mr. vice-chancellor, now groweth to hard issue; and be careful to foresee it. Your scholers do dayly and most outragiously rail against me; they are grown to marvellous lewdness and insolency; and my servantes and friends, which have long born and forborn, do likewise grow to great stomach thereat, and that in such sort, as I pray the Lord God your wisedome may so temper the matter by due correcting the scholer, and so modestly use my man, as there follow no further fury, which we all may have cause to be sorry for. I have ever laboured to continue peace between both the bodies; I will avoid all parties taking, by all possible means that shall lye in my power. It proceedeth now to too hard terms; the scholers sayth they will come by the lord North covered, and do it. Some say he is a foole in private matters; other in justice come to laugh at him and scorn him. His men pass not free in the streets. The high ways cannot priviledge my lord from their slanders; my mans house and yard cannot defend him from the

scholers disorders. To conclude, if my lord be condemned by your scholers, himself and his men dayly abused; if even at this instant I have not good satisfaction, both of the scholer, and indifferent judgment of my man, who was provoked to this abuse and disorder by the scholers rayling of his master, I will presently ride to the court to complain; trusting in God that my men and friends will live in the fear of God, and learn to bear injury, and leave revenge to the Lord God. Howbeit I see the youths so warm, as if more follow, it will be hard to contain such a multitude as depend on me. To your wisedoms and considerations I betake the cause, my self freely forgiving all things; and yet pray you advertise me what you do herein, for which purpose I send my friend, Mr. Goldwell, to you with my man. I am going towards court on Friday, before which time I desire to be satisfyed. I pray you bear with my long and undigested letter; it is disscribled as fast as my pen can set it down. I know you for wise and godly men; deal wisely. And so I bid you farewell; my self being somewhat moved with this continuall mischief against me. Kirtlinge, the third of August, 1580.

Your loving friend,

Ro. Northe.

Concordat cum originali.

LORD NORTH TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7037, p. 295.]

To the right worshipfull my loving friend, Mr. Dr. Hatcher, vice-chancellor of Cambridge.

If your neighbour Robinson (good Mr. vice-chancellor) have told you that he hath licence from me to shew certain games, surely I must needs confess that he abuseth me therein, or else I have too much abused my self in consent-

ing to so great vanity. Howbeit I do assure my self he hath nothing to show under my hand for any games; or if he have, it is for lawfull games, which neither you nor any justice can restrain, seeing the law doth allow them. Sir, I do so much mislike these vain and idle toyes, as I will consent to none of them; I do utterly mislike any assembly of people, without the service of God or her majesty. And therefore give my consent to withdraw him from any of his shews, although he have warrant for the same, which you shall not finde true.

Concerning my man and Usher, though all things be not true according to the information given me, so do I not hear all to be untrue, and therefore leave the order to your good consideration, who I hear hath already handled the matter with good wisedome, for which I heartily thank you. And how much more easily you shall deal with me and my man, so much more a cause I have to thank you, and shall be the readier to requite it to your body. But if you fall to actions of slander, I trust you will give me justice, which will appeal for the same, even in great and grievous slanders, ministred against me. So I leave you to the mercy of our heavenly Father, who ever bless you. In hast, from Kirtlinge, the 20th of September.

Your very friend,

Ro. Northe.

PETER BARO TO LORD BURGHLEY.

[From MS. Lansd. no. 30, art. 66.]

Illustrissimo ac sapientissimo viro, domino Burleio, summo hujus regni thesaurario dignissimoque Cantabrigiensis academiæ cancellario.

Cum Spartam, quam hic auctoritate ac suffragiis primariorum hujus academiæ virorum, mihique amicissimorum,

nactus sum, nullis parcens laboribus exornare, jam totos sex hosce annos coner ac contendam: hoc est, quum tuæ hujus academiæ utilitati ac dignitati inservire pro viribus quotidie enitar (præstantissime domine), quumque me ante tanta cum humanitate mensa etiam tua excipere dignatus sis; hac fretus bonitate has ad te brevissimas literas scribere ausus sum, eas sperans tuæ dignitati non fore ingratas: quibus te in primis quam officiosissime salutans, tuam de meo hic statu memoriam refricarem. Audisti enim prius a doctore Perne, qualis hic et quam tenuis mea sit conditio, imo te hujus rationem habiturum ac mihi prospecturum dixisti, cui verbo quia confido, tibi in memoriam hoc revocare ingratum non fore existimavi, ut si qua forte sese mei juvandi occasio offerat, eam tua erga me benevolentia effluere non sinat. Quid autem sit mihi commodum, id tua ipsius prudentia videre, et a doctore Perne rescire, facilius potest quam a meipso: totum igitur hoc meque adeo ipsum tuæ fidei illiusque prudentiæ committens, Deum opt. max. oro atque obsecro, illustrissime domine, ut te huic regno, ecclesiæ, et academiæ diu incolumem conservet, suisque bonis perpetuo cumulet. Cantabrigiæ, xi°. Kal. Decemb. 1580.

Tui obsequentissimus,

P. Baro.

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 30, art. 67.]

26 Nov. 1580. Letters to be written to the vice-chancelor and others. Payment of commons. Writs of error.

It maie please your good lordship to write your honorable lettres to the vice-chauncellor and masters of colledges in Cambridge, that all schollers of what degree soever maie dischardge their commons at the monthes end, otherwise

to be put out of commons untill the time of the dischardge; and that your lordship be enfourmed at the end of everie quarter who they be that have not paied. Further, it maie please your good lordship to speake one favorable word to the lord chiefe justice of England, that no writt of errour maie take place in the Universitie of Cambridge contrarie to the priviledge graunted by her majestie, which hetherto hath not bene seen, and otherwise wold be a destruction to the whole Universitie.

GRACES OF THE SENATE.

Dec. 9, 1580.

Conceditur 9 Decembris, ut sigillum nunc oblatum per Matthæum Stokys, bedellum, veteri magis insigne, vestra auctoritate approbetur, et pro communi sigillo Universitatis habeatur, sic ut deinceps singula publice academiæ nomine obsignanda hoc sigillo solo obsignentur, et vetus commune sigillum cancelletur.

Dec. 16, 1580.

Conceditur 16 Decembris, quum sigillum officii domini cancellarii valde parvum sit, et vetustate pæne consumptum, ut ex argento ejusdem sigilli et aliorum duorum remanentium, quorum nullus nunc est usus, novum pro officio cancellarii et ejus deputati sigillum conficiatur, ad descriptionem et formam quas Matthæus Stokys, bedellus, assignabit.

Dec. 16, 1580.

Cum his quatuor aut quinque annis proxime elapsis multi artium magistri, parvipendentes jusjurandum suum academiæ præstitum aut fidejussorum suorum securitatem, disputationes suas philosophicas intermiserint, in magnum

academiæ dedecus, et detrimentum baccalaureorum qui audirent aut responderent:

Placet vobis, ut singuli non socii alicujus collegii deinceps, in ordinem illum cooptandi, ante eorum admissionem realem cautionem quadraginta solidorum deponant in manibus senioris procuratoris de cursu suo in disputando bene et fideliter observando; quæ summa illis integra restituatur postquam compleverint præfatas disputationes: et ut hæc concessio vestra pro statuto perpetuo habeatur, et in libris procuratorum conscribatur infra decem dies proxime sequentes.

DISPUTE RELATING TO A BEAR-BAITING AT CHESTERTON.

[From MS. Lansd. no. 33, art. 28.]

April 1581.—Resistance made against the proctor of Cambridg inhibiting a bear-bayting at Chesterton, on a Sonday in sermon tyme.

Sonday, 22° day of Aprill, 1581.

Mr. Nevile, proctour of the University of Cambridg, accompanied with Mr. Farr, tasker, Mr. Huchenson, Mr. Farr, junior, and a bedell, sent by Mr. vice-chancellour to inhibite a bearebaiting at Chesterton, and finding the beare at stake, where he had ben bayted in the sermon time, betwene one and two of the clock in the afternoone, was thus entreated as followeth.

In primis, the bereward, asked by what authority, etc., made answere, that he was the lord Vaux man, and had further warrant from the justices; whereupon the proctour alledging the same to be against the priviledg of the University, and commanding this bereward to cease of from that disordered pastime, and to attend upon the bedill, to whome he was committed for his appearaunce before Mr.

vice-chancellour, this bereward at the first submitted himself; but afterward, counselled and maintained by Richard Parrys, and John Daniell, Mr. Brakens man, and others of Chesterton, he refused playnly to go with them.

Item, the said Richard Parris, brother to Thomas Parris, highe constable, in the name of the foresaid Thomas, for whome he alledged he was deputed constable, coming betwene the bedill and the bereward, said that the bedell had nothing to do with the bereward; and that the bereward shold not go with him, but be his prisoner; and if he had committed any offence, they had to carry him before a justice, and not before the vice-chancellour: at which time this Parrys and John Daniell, Mr. Brakhens man, with others whose names are not knowen unto us, violently shoved and thrust the bedell upon the beare, in sort that he cold hardly keepe himself from hurt, and so after convaied the bereward away.

Farther, this said Richard Parris, the constables brother, bragged and said, that if evensong were don, when the schollers were gon, thay wold bayte in despight of them.

Item, Jackson, the berewardes host in his house, charged by the proctour both for the berewardes forthcoming (when he saw the resistance made against the bedell) and his owne appearance before Mr. vice-chancellour, for the disorder then and there committed, made this answer, that he had committed no offence why he shold come before him, and that if he had, yet he wold not; and how that Mr. vice-chancellour had no authority to call him before him.

Moreover, the said Jackson, coming to the vicarage, where the proctour and his company were, acknowledged of his owne accord that Thomas Parris the constable had, in his heering, licensed the bereward, and said further to him, "It is very likely there wilbe resort of schollers, and that Mr. proctour will come to inhibite you; which if he do, you shall not nede to obey his authority: I will bear you out."

Also, the said Jackson offered and promised to appeere before Mr. vice-chancellour the day following, at one of the clock, if he had not advice by the constable in the meane time to the contrary; but he came not.

Item, the proctour and his company, meeting with Thomas Parrys the hedd constable, and enforming him what disorder they had found, received this answer, that there was no disorder, for he had seene the berewardes licence, and had allowed him; whereupon the proctour alleging the same to be against the privileges of the University, he denied that we had ought to do therewith, affirming that he knew our priviledges as well as ourselves, and had in his house a copy of them.

And whereas Jackson, before named, had before excused himself for the forthcoming of the bereward, because, as he said, Richard Parrys, brother to the constable, had taken him into his handes, in the name of the constable; the proctour then charged the constable for the forthcoming of the bereward, whereto the constable answered, that the proctour was much deceived so to charge him, for neither cold the proctour charge him, and being charged, he was to answer before a justice, and not before the vice-chancellour; whereunto he added contumelous speeches, terming the proctour a petty officer, and the vice-chancellours man; whereat the standers by of his owne company began to showte and laughe at the proctour.

After the proctour then replieng, that for the compass of five miles he thought no justice of peace wold maintaine that doing, his answer was, that, but that the chief of the contry are now at London, he els knew a justice not farr off, before whose doore he might and wold baite the beares, the vice-chancellour himself looking on, and doing what he cold.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 33, art. 31.]

As we are dayly bownd to pray to Allmightie God for yowr honor, and for the singuler great benefites the which thuniversitie doth receave by yowr honor, to the great mayntenance and incoradging of us in good quietnes of owr honest studies, in godly exercise of virtue, religion, and lerning; so are we humbly to pray yowr honor the continuance of yowr favor in owr honest, just, and necessarie cause at this tyme, for the mayntenance of the charters of thuniversitie, graunted by her most excellent majestie and her noble progenitors, and explicated and confirmed by yowr honor and by other of her majesties privie councell of late, for the perpetuall avoyding of all sutch occacions as might at anye tyme hereafter be offered or practised within v. miles of the sayd Universitie, to the great hinderance or disturbance of the same; besydes her majesties statutes, given under her broad seale of England, prohibiting the exercise of any sutch unlawfull games within the liberties of the sayd Universitie, within the which the towne of Chesterton is contayned, and so hath bene taken and reputed sith the making and graunting of owr last priviledg, geven by her majestie, and confirmed by acte of parleament, as appeareth playnly in the same; the whole towne of Chesterton being within half a mile of the sayd Universitie, and wherof some part is within the sayd Universitie. And yf they shuld not be within the jurisdiccion of the same, yt would be a place, an occacion, and harbor of great wickednes and disquiet of the sayd Universitie, as we have had great experience of late dayes, as shall appeare to yowr honor by Mr. proctors and Mr. Baxsters relation.

Thus I do commend in my prayers yowr honor to the blessed tuition of thallmightie.

Yowr honors dayly orator,
Andrew Perne.

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 33, art. 29.]

Honoratissimo domino, domino de Burghley, summo thesaurario totius Angliæ et academiæ Cantabrigiensis cancellario dignissimo.

Ignosce quæsumus (honoratissime Burghleiensis) si maximis tuis occupationibus, quæ nunc præsertim vix te respirare sinunt, brevem querelam, sed eam tamen necessariam, interponamus, rogemusque ut qualis in obtinenda libertate nostra fueris, talis quoque in propugnanda esse velis. Summam vero petitionis quam afferimus paucis cognoscito. Superiore die dominico, rebus divinis potissimum destinato, quidam e vicinia nostra Chestertonensi male sani homines, ut petulantia sua religioni quodamodo quasi frænum injicerent, ursi exagitandi publicum spectaculum ediderunt. Quos cum ea de re procancellarius statim per procuratorem admoneri citarique tanti sceleris autores æquum existimaret, intercessio turbulenta facta est per tumultuosum par fratrum, quos Parisios appellent, qui paucis abhinc annis in simili causa pœnas dederunt improbitatis suæ primario justiciario. Jam vero cum pro officio suo procurator instaret vehementius, mirareturque quorsum tandem evaderet hæc eorum tam insignis contumacia, responsum ab eis contumeliosum abstulit. Siquidem hunc aiebant miserum quendam planeque plebeium ac plumbeum esse magistratum, nihilique futuram apud se academicam auctoritatem jactitabant. Quidam etiam portenta loquebatur, eoque ferocitatis provecti sunt, ut nisi nostri remisissent aliquid de justa severitate sua, periculum erat ne procura-

torem simul cum suis omnibus male mulctatum dimisissent. Nihil moramur quam turpe sit privilegia nostra (quæ tamen tibi pro singulari patrocinio tuo semper cara fuerunt) ab imperita multitudine contemni; tantum hoc admonemus, nisi huic eorum indomitæ licentiæ mature ac celeriter occurratur, ista semel impunitate proposita, meretricio quæstui, totique adeo flagitiorum impurissimæ cohorti, latebram apud eos fore opportunam. Atque huic inveterato morbo cum nobis integrum non sit aliquam salutarem medicinam adhibere, tuam divinam opem (quæ solet in adversis rebus esse paratissima), quanta cum humilitate possumus, imploramus. Quod si aliquando, postquam deseruerint majora regni negotia, duos istos Parisios reliquosque conspirationis ejusdem socios per unum aliquem e regiis nunciis accerses tantisque maleficiis debitam pœnam infligas, proculdubio franges malevolorum hominum corroboratam jam audaciam, libertates nostras ab interitu vindicabis, gliscenti indies malo omnem aditum intercludes, cæterisque tuis de academia benemeritis cumulum adjicies isto facto longe maximum. Sed stulte facimus, qui a quo consilium expetere debemus, eum imprudenter moneamus. Quamobrem (illustrissime Burghleiensis) communem hanc academiæ causam, summam illam quidem ac sollicitam, totam prudentiæ tuæ permittimus, cujus uberiorem narrationem, ne nimis multa scribendo molesti simus, tabellario nostro relinquendam duximus. Deus optimus maximus amplitudinem tuam nobis reique publicæ diutissime servet incolumem. Cantabrigiæ, 7° Kalend. Maii, anno Domini 1581.

Honori tuo perpetuo debitissimi,

Procancellarius et reliqua capita collegiorum.

DEPOSITIONS.

[From MS. Lansd. no. 33, art. 34.]

Maye 1581.—A certificat, under the hand of D. Perne, touching the evell dealinges of one Paris towardes dyvers schollers.

Thomas Parise, being head constable, dwelling at Chesterton, when ther was a match made betwixt certayn schollers of Cambridge and divers of Chesterton, to play at the fote bale, abowt twoe yeres past, the sayd schollers resorting thither peaceably, withowte any weapons, the sayd townsmen of Chesterton had layd divers staves secretly in the church porch of Chesterton, and in playing did pike quarrells agenst the schollers, and did bringe owte there staves, wherwith they did so beat the schollers that divers had there heades broken; divers, being otherwise greatly beaten, wear driven to runne throughe the river; divers did crye to Parise the constable to keep the queenes pease, who then, being a player at the foote bale with the rest, did turne to the schollers, willing them to keep the queenes peace, and turning himself to the townsmen of Chesterton, willed them to beat the schollers downe; as yt was reported to my lorde cheef justice of England, and Mr. attorney, and the rest of the justices of thuniversitie. For the which the sayd Parise, being head constable, was put into the castle by my lord cheef justice and all the rest of the justices; amonge whom I did then sitt, and did hear the foresayd reported before the lord cheef justice and others, in the Dolphin at Cambridge.

By me, Andrew Perne.

[From MS. Lansd. no. 33, art 35.]

Maii 1581.—The deposition of James Bates, of Chesterton, touching the evill dealinges of Thomas Paris towardes divers scholars.

James Bates, of Chesterton, in the countie of Cambridg, yeoman, of thage of xxxix. yeares, sworne, saith:

That upon Tewsdaye, being Shrovetewsdaye was twoe yeare, some of the townesmen and yowght of Chesterton mynding to playe at the foteball, and looking for schollers, procured staves and other weapons to be sett in the church porche of Chesterton; and afterward, when they were hotte in playe, sodenlye one cryed, Staves! and incontinently some ran forth with the staves, and so fell upon the schollers, and did beate divers of theim; and some runnyng awaye, they did

folowe, and caused to swymme over the water. And longe Johan, servaunt to Mr. Brakyn, did folowe one Edward Wylton, scholler of Clarehall, with a javelyn; and if this deponent had not rescued hym, he beleaveth he would have runne the said Wylton thorough, for so the said Johan said he would doe. Item, he saith that Tho. Parys, hie constable, was one of the players at the foteball at that tyme.

Concordat cum originali. Ita testor,
MATTHEUS STOKYS,
notarius publicus.

[From MS. Lansd. no. 33, art. 32.]

6 May, 1581.—Depositions touching the resistance made to the proctor of Cambridg by Thomas Paris and Rich. Paris, at Chesterton.

THE examinacions and deposicions of Thomas Nevyll, master of arte, and proctour of thuniversitie of Cambridg, sworne; Henrye Farr, master of arte, and taxer of the said Universitie, sworne; Martyn Wylliams, bachiler of divinitie, vicar of Chesterton, sworne; John Hutchinson and Samuell Farr, masters of arte, sworne; Johan Standish, bedell of the said Universitie, William Dant, Christof. Gryme, and Antonye Bende, servingmen, sworne, before Mr. Andrewe Perne, doctor of divinitie, vice-chancelour of the said Universitie, the vjth daye of Maye, 1581, towching certayne wordes and a facte done at Chesterton, in the countie of Cambridg, upon Sondaye, beinge the xxij. of Aprill last past; as doth and shall appeare by the subscripcion of their handes to the severall articles following, viz.

1. Upon a complaynt of the resorting to a beare bayting at Chesterton of a great multitude of younge schollers, Tho. Nevile, proctour of th'universitie of Cambridg, accompaned with Henry Farr, tasker, Jo. Hutchinson, Samuell Farr, and a bedell, sent by Mr. vice-chancelour to inhibite a bearbayting at Chesterton; and finding the beare at the stake, where he had bene bayted in the sermon tyme, betwene one and twoe of the clocke in the afternone, was thus intreated as followeth:

2. Imprimis, the proctor askyng the bearward by what authoritie he bayted his beare there, etc. made answer, that he was the lord Vaux his man, and had further warrant from the justices; whereupon the proctor alledging the same to be against the privileg of thuniversitie, and commaunding this bearward to cease from that

disordered pastime, and to attende upon the bedell, to whom he did committe hym for his appearance before Mr. vice-chauncelour, the bearward at the first submitted hymself.

THO. NEVILE. JOHN HUCHENSON.
HENRY FARR. MARTYN WILLIAMS.
SAMUEL FARR. JOHN STANDYSHE.
Signum Signum
CHRISTOP. GRYME. W. DANT.
Signum dicti
BENDE.

3. Item, where and when John Standish, the bedyll, went to apprehende the said beareward, Richard Parys said to the beareward, Doe not goe with him; for if thow do, thow art a fowle: and long John said to the beareward, Thow shalt not goe; and then the said longe John went betwene the bedell and the beareward; and then the multitude thrust upon the bedell, and crowded hym to the beare, and shuted, Goe not, Goe not; whereupon the bedell requested one to goe for Mr. proctour, to helpe hym; to whom long John answered, that he might well goe, for he had nothing to do in the matter.

JOHN STANDYSHE.
Signum dicti
GRIME.

4. Item, the said Richard Parys, brother to Thomas Parys highe constable, in the name of the forsaid Thomas, for whom he alledged he was deputed constable, commyng betwene the bedyll and the beareward, said that the bedell had nothing to do with the beareward, and that the beareward should not goe with hym, but be hys prysoner; and if he had committed anye offence, they had to carie hym before a justice, and not before the vice-chauncelour: at which tyme this Parys, and longe John, Mr. Brakyns man, with others whoes names are not knowne, violentlye shoved and thrust the bedyll upon the beare, in such sorte that he could hardlie keepe hymselfe from hurt; and so after conveyed the beareward awaye.

JOHN STANDYSHE.

5. Item, this said Richard Parrys, the constables brother, bragyed and said, that yf evengsong were done, when the schollers were gone, they would go into a yarde, and bayte in dispight of theim.

JOHN STANDYSHE.
Signum dicti
DANT.

6. Item, Jacson, the bearewards host in his howse, charged by the proctor bothe for the bearwards forthcoming (when he sawe the resistance made agaynst the bedyll) and his owne apearaunce before Mr. vice-chauncelour, for the disorder then and there committed, made this answere, that he had committed no offence whye he should come before hym; and that yf he had, yet he would not; and how that Mr. vice-chauncelour had no authoritie to call hym before hym.

THOMAS NEVILE. HENRY FARR.
JOHN HUCHENSON. SAMUELL FARR.

7. Item, the said Jacson, commyng to the vicaredg, where the proctor and his company were sitting in the parlour, acknolegede of his owne accorde that Thomas Parrys the constable had, in his hearinge, licensed the bearward; and that the said Parrys said further to the beareward, Yt is veray likelye there wilbe resorte of schollers, and that Mr. proctor wyll come to inhibite yow; which yf he doe, yow shall not nede to obeye his authority: I wyll beare yow owt.

THOMAS NEVILE. HENRY FARR.
MARTYN WILLIAMS. SAMUELL FARR.
JOHN HUCHENSON.

8. Item, the said Jacson offered and promised to appeare before Mr. vice-chauncelour the daye folowing, at one of the clocke, yf he had not advise by the constable in the meane tyme to the contrarye; but he cam not.

THOMAS NEVILE. HENRY FARR.
MARTYN WILLIAMS. JOHN HUCHINSON.

9. Item, the proctor and his companye meeting with Thomas Parys the highe constable, and informyng hym what disorder they had founde, receyved this answere, that there was no disorder, for he had seene the bearewards licence, and had allowed hym; wherupon the proctor allegyng the same to be agaynst the privilege of the Universitie, he denied that we had owght to do therwith, affirmyng that he knewe our privileges as well as our selves, and had in his howse a copie of theim.

THOMAS NEVILE. HENRY FARR.
JOHN HUCHENSON. SAMUELL FARR.

10. Item, whereas the said Jackson had before excused hymselfe for the forthcomyng of the beareward, bycause (as he said) Richard Parrys, brother to the constable, had taken him into his handis in the name of the constable, the proctor then charged the constable for the forthcominge of the beareward; wherunto the constable answered, that the proctor was much deceyved soe to charge hym; for

neyther could the proctor charge hym, and being charged he was to answer before a justice, and not before the vice-chauncelour: and hereunto he added contumelious speeches, termyng the proctor a pettye officer and the vice-chauncelours man; wherat the standers by of his owne trayne began to showte and lawgh at the proctor, withowt anye ill wordes or misdemaynor of the said proctor, or any of his companye, shewed at that tyme or any other to anye person there.

THOMAS NEVILE. SAMUELL FARR.
HENRY FARR. JOHN HUCHENSON.

11. Item, the proctor then replying to the said Tho. Parrys, constable, that for the compas of fyve myles he thought no justice of peace would mayntaine that doinge, his answere was, that the cheiffe of the countrey are now at London; he els knew a justice not farr of, before whose dore he might and would baite the beares, the vice-chauncelour hymselfe looking on and doing what he could; but what justice he should be, he did not then expreslye name.

THOMAS NEVILE. MARTYN WILLIAMS.
HENRY FARR. JOHN HUCHENSON.
SAMUELL FARR.

Collatione diligenter facta, concordat cum originali. Ita testor,
MATTHEUS STOKYS,
notarius publicus.

Et nos, Andreas Perne, sacræ theologiæ professor, almæ Universitatis Cantebr. procancellarius, quia ad humilem antedicti procuratoris petitionem, juramenti præstationem exegimus, et præmissorum omnium et singulorum testium depositiones audivimus, ideo in fidem et testimonium omnium præmissorum sigillum officii nostri præsentibus opposuimus sexto die mensis Maii, anno Domini 1581, et regni dominæ reginæ Elizabethæ, etc. xxiij^tio.

SUBMISSION OF THE OFFENDERS.

[From MS. Lansd. no. 33, art. 33.]

The submission of Thomas and Richard Paris, made to the right honorable the lord high treasurer of England.

PLEASETH it your honour to be advertized, that where the proctours of the Universitie of Cambridg exhibited theire bill of complaint unto your honour, being the high chan-

celour therof, towching certeine disorders by us your poore supplicants, Thomas Paris and Richard Paris, done and committed against them at Chesterton, nere unto the said Universitie; uppon the hearing wherof we are justlie by your lordship committed as prisoners unto the Gatehowse in Westminster. Whoe acknowledging our selves to be offendours thearin, and in hart verie sorie for the same our lewde demeanour and wilfull contempt both against your honour and them, doe most humbly beseech your good lordships right honorable and accustomed clemencie and goodnes to forgive and remitt the same, and also to release us owt of prison, being verie poore men and at great charges. And wee, according to our most bownden duety, shall dailie praie to God for the prosperous preservacion of your honour long to endure.

THOMAS PARISHE.
RICHARD PARISHE.

This submission signed the 17th day of May, 1581, in the presence of the lord Cobham and Mr. Roger Manners, esquier, at which time they wear enlarged.

LORD BURGHLEY TO THE UNIVERSITY.

[From MS. Harl. no. 7041, p. 150.]

To my very loving friend, Mr. Dr. Perne, vice-chancellor, etc.

AFTER my hartye commendations; I have receved your lettres towching the misdemeanor of the two Parrises, in resisting and otherwise abusing your proctors forbyddyng a bear bayting at Chesterton; th'examination wherof, after your said proctor and bedell had tarryed some tyme here, I was fain to commit to my lord chief justice and Mr. attorney generall, being justices there of assise, myne own leisure not permitting me to attend to the same. By

whose report, and summwhat of myne owne looking into the matter, fynding that the said Parrises proceedings had bene lewde, after a sharpe reprehension, I committed them both to ward for some dayes. Nevertheles, being very earnestly induced by my lord North for ther enlargement, and they confessinge ther faulte, by a submission which they made and sent unto me subscribed with ther hands, the which here enclosed yow shall receve, I was contented the sooner to enlarge them. And as towching the removing of the elder of the Parisses from the place of high constable, I mean to deal with my lord chief justice and Mr. attorney generall, to take ordre therein, at the next being there at the assises. And so praying yow rather to determine the causes of contention, yf yt may be, amongst yourselves, then for everye such tryflinge cause to have recourse to me, being otherwise greatlye charged with matters of much more moment, for this tyme I bid yow hartelye farewell. From the courte at White Hall, this 20th of Maye, 1581.

Your loving frend,

W. Burghlye.

GRACES OF THE SENATE.

June 10, 1581.

Conceditur 10 Junii, ut literæ modo lectæ sigillentur sigillo vestro communi. Item, decretum est ut posthac perpetuo nihil petatur in senatu sine consensu capitis.

June 30, 1581.

Cum illud a vobis pro musarum dignitate sapienter sit constitutum, ut certa mercede conductus eligatur quispiam qui communi bibliothecæ præficiatur, academia vero per

se sola a natura potius ut persolvere velit quam a fortuna ut possit parata sit:

Placet vobis, ut quod uni nimis grave videri possit matri academiæ, id omnibus conjunctim filiolis imponatur, ita nimirum ut et hoc præsenti anno primum et cæteris qui subsequentur deinceps omnibus, quicunque ad aliquam in republica literaria dignitatem provectus sit, quasi symbolum aliquod conferat ad ipsam quam volumus mercedem conficiendam, viz. in artibus baccalaureus 4*d.*, in artibus incipiens et respondens quisque in jure 8*d.*, in theologia baccalaureus 12*d.*, doctor autem unusquisque cujuscunque fuerit facultatis 16*d.*; atque hoc vestrum decretum pro statuto deinceps habeatur.

LORD BURGHLEY TO THE MASTER AND FELLOWS OF TRINITY COLLEGE.

[From MS. Lansdown, no. 102, art. 103.]

M. of the chancellors letter to the master and fellowes of Trinity Colledge in Cambridge, towching their depriving of one Medolph for certain opinions, which the chancellor thought too severe for his offence.

After, &c. Wher I am given to understand by sum personages of good regard that you have latelie intended the deprivacion of one Medolph, fellowe of your howse, for sum opinions mainteined by him wherwith he was charged; and whereto, as it semeth, he hath not by his awnsweares satisfied you, as being not thowght by yowe sufficient to awnswere his accusacion, being peradventure more hardlie construed then his meaning was by his said awnswere, if the same weare to be interpreted indifferentlie and according to his meaning; and though happelie the offence of the said Medolph maie be verie great hearein,

and deserving punishment, yet seing the proceading of yowe against him in so hie a degre as deprivacion is, is as great a punishment as can be inflicted upon the greatest disordered person in anie societie, whereto it is thought this his offence cannot anie waie cum neare, and being as great a punishment in such a civill governement as death to a malefactour and infringer of the lawes in his kind, I cannot thinke it convenient, neither doe I allowe, in a societe professing Christian relligion and charitie, anie such extreme punishment to be imposed uppon anie, especiallie being fellowe and of accompt and creditt in a publique university and societie as yours is, without greater and more urgent cawse therto than I understand. And therefore, or ever you shall proceade to the publicacion of your deprivacion against him, I am to and heareby doe require you to staie the same, untill such time as you shall have sent upp to mee the articles wherewith you charge the said Medolphe, and wherto he hath made his awnswer that doth not satisfyce yow, that it maie be considered howe farre his offence shall deserve such strict punishment, or mitigacion as shall be thought to awnswer the qualety of his offence, or that he may be induced by fayer meanes to satisfyce yow. And if yowe shall have anie further or other matter to charge the said Medolph with then this to which he hath made awnswere, you shall doe well likewise to send the same upp to be likewise considered of; for my meaning is so to temper this cause as nether I wold have any errors or offensyve opinions maynteaned ageynst the state of our chirch, nethar yet wold I that every opinion misconceaved, or opinion that may by argument be interpret offensyve, shuld so sharply be punished as I know deprivation is to a poore student and scollar, whose reformation wer to be otherwise sought in a cause of no gretar weight than as I am informed this is.

21 July, 1581.

INTERPRETATION OF A STATUTE.

Oct. 20, 1581.

Cum 12° Octobris, 1581, quinque viri, juxta formam statuti inde editi, pro capite senatus nominati fuissent, et unus eorum illud onus in se recipere, antequam eorum nominatio in senatu per alterum procuratorum promulgaretur, recusaverit, quæstio orta est, an novus in recusantis locum eligentium punctis secundo subrogaretur, an maximus senior ejus ordinis sive facultatis substitueretur; 20 Octobris, 1581, per interpretationem domini doctoris Perne, vicecancellarii, D. Hawford, Fulke, Goad, Norgate, Harvy, et Legge, et magistri Tyndall, hujusmodi dubitatio sublata est, determinantium scil. novum eligentium punctis denuo assignandum fore quamdiu procuratores electionem in senatu non significaverint, sed post hujusmodi significationem maxime seniorem esse substituendum.

Int. Stat. Univ. Stat. p. 326; Grace Book, Δ, fol. 134, *b.*; Copies of Charters and Statutes, p. 273.

DISPUTES IN CAIUS COLLEGE,

ARISING OUT OF THE ALLEGED PAPISTRY OF THE MASTER.

COMPLAINT OF THE FELLOWS.

[From MS. Lansd. no. 33, art. 56.]

We, whose names ar underwritten, havinge heretofore made due relation and complaynt, according to the true meaninge of the statutes of our colledge, as well to the

master of our colledge as to our visitors and superintendentes, of divers and sundry the things and defaultes hereunder specified, and the same have not beene redressed or ordered accordingly; and likewyse being enjoyned and appoynted to open and make complaynt of the residue of the crimes and disorders hereafter particularly set downe, by the authority of the cheefe chauncellor and the vicechaunceller of this University, do in the best and most effectuall manner that we may, and as far forthe as the statutes of our said colledge do suffer and permytt, and not otherwyse, exhibite, propounde, and make complaynt as followethe, and under the same our like protestation do mynde to prosequute and prove the same, and not otherwise. Allwayes provided that the intent and meanyng of the said partyes complayning, and opening or making relation of the matters conteyned in the articles hereunder written, is not to bynde them selves precisely to the forme of wordes hereafter set downe, neyther exactly to tye them selves to tyme and place mentioned in the severall articles, nor yet to an absolute proofe of the whole matter and every circumstaunce conteyned in any one or more articles; but they and every one of them, so farre forthe as shalbe expedient for them, and not otherwise, do requyre that the contentes of every article may be reputed and taken as yf they were propounded joyntly and severally, and as thoughe every matter, thinge, clause, or worde therin contayned were set downe and articulated by it selfe. And the partyes aforesayd, in all and singuler the sayd articles wher mention is made or to be made of tyme, have relation to the whole time of D. Leggs mastership, and every parte therof, as shalbe most expedient for them; and wher mention is made or to be made in the sayd articles of any place, they will have sutche place understoode within the colledge or without, as shall or

may best agree with the truthe of every severall fact or matter articulated, and not otherwyse.

John Paman.	Thomas Hawes.
Richard Gerrard.	Michael Rabbett.
Paule Golde.	Thomas Howse.
Roger Browninge.	

ARTICLES AGAINST THE MASTER.

[From MS. Lansd no. 33, art. 46 and 47.]

Certeyne disorders for education of youthe since the tyme D. Legge hathe beene master of oure Colledge of Gonvill and Caius.

Imprimis, that Mr. D. Legge, master of our colledge, bothe before his comminge to the colledge and since, hathe beene allwayes suspected to be corrupt in religion.

2. Item, that the masters puples, as well thos that he brought with him from Jesus Colledge, as thos that he hathe since receyved, have been for the most part eyther open papistes, or suche as have given greate cause of suspicion of papistry, and for the most part the sonnes of suspected and knowen papistes, and so knowen unto him to be, and have departed from the colledge not reformed.

3. Item, that one Grimston, when as a generall communion was commaunded in the howse, sent letters to his mother, requestinge her speedily to send for him, least that he should be infected with heresy; alledginge that he had offended in comminge to common prayers, but that he would not in any wise communicate nor heare sermons, neyther yet had so doone. The coppy of this letter is yet remayninge. The matter beinge complayned of to the master, the party so offendinge was neyther removed, reformed, or any way punished, but continued in the house, lyvinge in the former disorder, by the space of halfe a yeere, and then went away voluntarily and solemnly.

4. Item, that St. Quintin, Mr. Swales puple, did openly call Mr. Nowell, deane of Powles, heretick; relation wherof was made to the master, but no reformacion or punyshment used.

5. Item, that one Fingley, belonginge to the master, and made

butler of the howse by him without consent of the fellowes, was a greate perverter of youthe in the house; one that never came to prayers nor sermons, as the master well knew, and yet greatly favoured by him.

6. Item, that immediatly uppon his comminge to the colledge, by his importunate labour he brought in one Depup to be fellow of the howse, a man greatly suspected to be popishe, and otherwise well knowen to be notoriously vicious; and suche an one as of whom the founder had so greate mislikinge, that he gave especiall charge before his deathe that the sayd Depup should never be fellow.

7. Item, that men notoriously suspected abroad resort unto him.

8. Item, that rydinge abroad into the country he resortethe to the howses of suspected or knowen papistes.

9. Item, that in the University, for the most part, he useth the company of persons vehemently suspected in religion.

10. Item, that about Whitsontide was a twelfe monethe, after a sermon made in St. Maryes by Mr. Gerard of our howse, in the which uppon occasion he spake against papistes and seducers of youthe, the master, immediatly uppon the said sermon, in greate displeasure, sent letters unto Mr. William Gerrard his father, that in any wise he should send for his sayd sonne from the University, least he, the said Mr., should rewe it. And after that in private speeche said, that in the same sermon he and his president were touched so neerly, as yf they had beene pointed at with the finger, or named by name.

11. Item, that since that time, uppon no just occasion, but contrary to statute and without consent of the fellowes, very contentiously he cut the said Mr. Gerardes name out of the buttry; charged the fellowes not to keepe him company, or repute him as fellow; and used all the meanes he could to expell him the colledge: wheras many detected of manifest papistry were never punnyshed accordinge to ther desertes.

12. Item, that Mr. Muffet, a very propper scholler and very forward in religion, beinge first kept back from his degree by the master, was afterwards expelled the howse by him without consent of the fellowes, and billes sent about the towne that he was expulsed *propter mores corruptos*, nothinge beinge alledged against him, but that he had proceeded master of art in another colledge; since which time divers schollers of our howse havinge beene convicted of papistry, and complaynt made of them to the master, have eyther

contynued still in the howse unreformed, or else departed without any reproche.

13. Item, that one Osburne beinge convicted of papistry, the master did not expulse him, as he ought to have doone; but was greevously offended with one Greenhill, then Osburns chamber-fellow, threatning to expulse him, and gevinge out very evill speache of him to his frendes, for detectinge the forsayd Osburne.

14. Item, that the said Greenhilles schoolemaster, called Chambers, an owld companion of the masters, and a very notorious papiste, comminge shortly after to the towne, was also greevously offended with him for the same matter; exhortinge him to beare with Mr. Legges religion, which, he sayd, was as his owne; and the which, he beinge a younge man, might not in any wise to controll.

15. Item, that one Mr. Babthrope, the masters puple, and a longe time his bed-fellow, did usually weare about his neck, next to his shirt, very secretly, a crucifix of sylver. So likewyse did Mr. Pawlet, the masters puple, lyenge also in the masters bed-chamber.

16. Item, that one Mr. Stapelton, the masters puple, had many papisticall bookes lyenge openly in the masters bed-chamber by the space of a quarter of a yeare at the lest, which could not be unknowen to the master.

17. Item, that Mr. Bapthroope aforesaid, and Mr. Aske, the masters puples, had the like bookes lienge in ther studyes, which was also well knowen to the master, two of the which bookes ar yet remayninge to be seene.

18. Item, the said Stapelton, openly knowen to be a papist, labored by argument to pervert others; relation wherof beinge made to the master, his tutor, no redresse followed.

19. Item, the said Mr. Stapelton made report to Mr. Howse, then his reader, that he wondred that the master, his tutor, beinge a notable and lerned catholick, would lyve here contrary to his conscience, whereas beyond the seas he might enjoy the liberty of the same, and be sure of greate preferment.

20. Item, that one Lusher, the masters puple, beinge dehorted from papistry by his reader, Mr. Howse, made aunswearc, that his mother had requested the master to trayne him up in papistry.

21. Item, the suspected and knowne papists of the howse have had private conventicles ordinarily in the masters galery and in the chamber over the library, beinge parte of the masters lodginge, and

for the most part in the time of common prayers and sermons, which could not be unknowne to the master, he himselfe beinge often absent from the sermons as well as they.

22. Item, that Barwick, Mr. Swales puple, in an examinacion before the master, beinge asked whether he knew any other matter that he had not yet confessed, made aunswere that he knew nothinge, savinge that he had heard ther was a masse sayd by Fingley (before mentioned) in our masters greate chamber over the parlor, which was also a common report that Fingly was in his trappers; but no further enquiry was therof made by the master.

23. Item, about two yeres since the whole company of scollers in the howse seemed to be divided into protestauntes and papistes; so that ther weare greate conflictes and common contentions among them in every corner of the howse, whiche was well knowne to the master; the papistes seekinge to pervert others under colour of disputation, to the greate daunger of the youthe, and the greefe of suche as were well disposed, but could not amend it.

24. Item, one Cuttinge, a singeinge man of Kinges Colledge, a secrete and famyliar companion of the masters, beinge trobled in mynde, cryed out in the open streates, and afterwardes in his sicknes, Dr. Legge an horrible papyst.

25. Item, about this time two yeare the master and presydent rydinge abroad, appoynted Mr. Church, contrary to statute, to propound the grace of one Sayre, the presidentes puple (now reported to be fled beyond the seas for religion), to be bachilour of arte, the whiche grace beinge three severall times propounded, and as often denyed of the company, Mr. Church, without consent of the greater part of the fellowes, put up his grace to the heades in the regent howse flat contrary to statute.

26. Item, the sayd Sayres grace being stayed in the head, the master at his returne caused it to be propounded to the University the second time; havinge no farther graunt of the fellowes then before, and beinge then himselfe one of the heade, gave very hard wordes unto him that denyed the grace; and the next yeare after stayed the sayd partyes brother divers congregacions uppon this quarrell.

27. Item, the causes why the said Sayre was stayed by us from his degree were thes: first, for that he by secreat conference had laboured to pervert divers schollers, and some had perverted; secondly, for that he had used divers allegations against divers poyntes of Mr. Jewells booke; thirdly, for that he had bene of

greate and familiar acquayntaunce with Fingeley, a pernicious papist; fourthly, for that he had used to gather together papisticall bookes, and to convey them secreatly into the country.

28. Item, when a generall communion was commaunded by the vice-chauncelour immediately after the fast, divers of our schollers withdrew them selves, and went into the country uppon that occasion.

29. Item, immediately before this communion, the master, Mr. Swale, and Mr. Burton, havinge neyther before nor since used openly to dispute in matters of religion, toke uppon them at the common table, in the hearinge of the schollers, the defence of dissimulation, and attempted to prove yt to be lawfull to dissemble by divers argumentes.

30. Item, presently after this disputacion, five of our schollers, namely, Mr. Roockewood, Sayer, Flack, Foster, and Barwick, gathered them selves togither, to consult whether it weare lawfull for them to dissemble or not; to the which disputacion, to determine the controversy, Barwick brought with him an epitome of the generall counsells, borrowed of Smyth.

31. Item, upon this meetinge, some of them were of opinion that they might receyve the communion as bare bread and wine only, and not offend ther conscience; others thought good to absent them selves, and to walke into the fieldes, in the time of the communion; only Barwick thought it not lawfull to dissemble, but openly professed him selfe to be a papist, and that he had beene alwayes so brought upp.

32. Item, att the same communion, which we ar ashamed to utter, ther was wine spitt out uppon the deske by some of the communicantes.

33. Item, that about this time twelve moneth, the forsayd Sayer, Mudd, Foster, and others of Mr. Swales puples, not without just cause suspected in religion, were propounded to the company to be bachiloures of arte; and beinge uppon this suspicion denyed by the one parte of the fellowes, the master, Mr. Swale, and ther adherentes, stayed likewise diverse of our puples, beinge very good schollers and very forward in relligion, and, as they themselves confessed, without exception.

34. Item, the master, desyrous to seeme indifferent in this matter, and protestinge to be willinge to pleasure our schollers with all his hart, refused flatly to propound them to the company when we had procured sufficient voyces for them; and so our schollers, beinge of

the beste and forwardest in the howse, were finally stayed from ther degree for that yeare, to the greate discoraginge of the well desposed, and the greate encoraginge of the contrary.

35. Item, one Barnham, a pernicious seducer of youthe, allowed by the master to attend uppon his puple Mr. Huddlestone, put a crucifixe in the said Huddlestons mouthe, beinge deceased, sayinge certayne popishe verses over him; abought the which Mr. Huddlestone, beinge dead, ther were also tapers burninge, and redd clothe provided to make crosses on his hearse.

36. Item, the master, in all elections and propoundinges of schollers, usethe to name first Mr. Swales puples, and sutche other as are most suspected in religion, that yf they be denyed, he may (as he commonly doethe) breake of for that time, and not att all propound the better sort; and havinge so doone, seekethe to compounde with the fellowes for ther voyces. The like he dothe also in choosinge officeres.

37. Item, that the common fame is, and hathe beene all the time aforesayd, as well within our sayd colledge as in this University of Cambridge, and other places therunto nere adjoyninge, that all and singuler the contentes of the articles above written, or for the most part, were and are true.

1581. MATTH. STOKYS.

Concerninge the decay of revenewes and defaultes in goverment of the colledge duringe the time that Dr. Legge hath bene master.

1. IMPRIMIS, wheras the statute (under payne of expulsion *ipso facto et restitutionis rei ablatæ*) providethe that none of the sayde colledge (*sive custos sive socius*) shall impropriate or take to him selfe any thinge belonginge therunto, the master, Dr. Legge (contrary also to his othes bothe of master and of burser) hathe, by the space of viij. yeares, at the least taken yerely of the colledge treasure to the some of iiij$^{li.}$ xiij$^{s.}$ iiij$^{d.}$ to his owne propper use, amountinge in the whole to xxxvij$^{li.}$ viij$^{s.}$ viij$^{d.}$, or theraboute.

2. Item, wheras the statute providethe that no man shall do his owne busynes uppon the colledge charge, the master, beinge cast in the Fleete for contempt of her majestyes lettres, and that by his owne default only, hathe put the colledge to the charge of ten poundes, contrary to the said statute, as also to his othes and statutes before mencioned.

3. Item, wheras the statute willethe, for the betteringe of the

colledge reall estate, eyther to rayse rentes or take fines to the colledge use, in lettinge our landes not lately improved, the master never as yet (that we can remember) did eyther of bothe, but bestowed them, without any respect of the colledge commodity had, att his owne pleasure.

4. Item, the colledge howses ar suffred by him to fall in decay; and some of our landes ar in doubt to be lost for want of orderly and sufficient survey, accordinge to statute; as at Rongton, Croxley, at Matsall, Hockhold, and Wilton.

5. Item, contrary to his othe of master taken, he hathe bestowed the colledge treasure otherwise then it ought to be bestowed; as, first, in that he hathe geven to his servaunt, by the terme of fowre yeares or theraboutes, the porters stipende, to the value of five markes yeerly, and that without consent of the fellowes; his man beinge also uncapable therof, as under the age of xl. yeares, and not wearynge any suche livery as by statute is enjoyned him.

6. Item, contrary to his said othe, he hathe also bestowed on Fingley, an arrant papist, the office and stipend of the butler; and that of his owne authority, without the consent of the fellowes.

7. Item, contrary to the foresaid othe, he kept Atkinson in the office of cator, by the space of halfe a yeare, payinge him the wages therof, contrary to the mindes of the fellowes, and refused to choose any other, although he were altogither unfit for the same.

8. Item, the foresayd Atkinson beinge dead, the master, contrary to the same othe, placed in the same office of cator one Harrison, Mr. Swales puple, without consent; which because that by statute he cold not safly perfourme, he bare the fellowes in hand that he could shew an old decree permittinge the same, which decree notwithstandinge hitherto he hathe not shewed.

9. Item, wheras the statute willeth that stewardes of our coortes and bayliffes of oure mannors should be yearly chosen, he wholy neglectethe the same; so that, by reason therof, we never have any rooles of cortes or billes of extentes sent unto us, as the statute requirethe, neyther in our rentes and suche like, gathered by any lawfull officer; but himselfe dealethe as him likethe in all such matters.

10. Item, he constrayneth not (as the statute exactethe) the fermers to bringe in or pay ther rentes in due time, bearinge the fellowes in hand that he would reenter yf they would permitt him, wheras the statute commaundethe the same; by reason wherof our accomptes ar for the most part imperfect.

11. Item, att this present our accomptes ar not accordinge to statute finished, and that by the masters default, ffor so muche as he (for the most part) hathe violated or neglected all things belonginge to his othe of burser, as followethe.

12. First, in that he hathe not dealt faythfully with the colledge in the same his office, havinge withheld to his owne use unlawfully suche monye as is before mencioned in the first article.

13. Secondly, in that he hathe not left unto the colledge, at every yeares ende, his bookes of accompts fayre written, but kepethe them to him selfe, dealinge therin very suspiciously with the colledge, contrary to his sayd othe.

14. Thirdly, in that he joynethe not the other burser with him in any of his dealinges, accordinge to the statute.

15. Fourthly, he receyvethe not the colledge rent in the place appoynted, neyther havinge his fellow burser with him.

16. Fiftly, in that he dothe not presently cary upp the foresayd money into the treasure house, but keepeth it in his owne hand so longe as pleasethe him, his sayde othe enjoyninge him not to receyve in his hande att once above the somme of five poundes.

17. Sixtly, in that he keepethe his fellow burser ignoraunt of all his dealinges, not permittinge him to have to do therwith, alledginge for him selfe his continuaunce in sutche manner of dealinge now by a longe tyme, albeit against his sayde othe; so that the accomptes ar not rendred to the colledge by them bothe joyntly, neyther is every particular summe subscribed with bothe ther names, set downe with ther owne hands, as the statute willethe.

18. Lastly, in that he causeth not indentures *de collegii statu, et de toto remanente residuo*, to be drawen at thende of every accompt, refusinge to make them after the forme used by the space of many yeares.

19. Item, when ther were thre sales of tymber made at our manor of Croxeslye, to Mr. William Gerrard of Harrowe uppon the Hill, two paymentes wherof the master hathe receyved, we are desyrous to be satisfyed by the sight of the booke of accomptes, which the master unjustly and suspitiously denyethe unto us, whether the sayd mony be aunswered unto the colledge, or not.

20. Item, wheras the statute commaundethe that our election of officers should be finished in Michelmas account, the same hathe beene differred by the master from tyme to tyme, contrary to the statute; so that the howse remaynethe evill governed, and the youthe not instructed as they ought; and this by the masters default.

21. First, for that he hathe not propounded all officers to the company.

22. Secondly, for that he hathe not taken the voyces of all the fellowes for thos officers which he hathe mencioned.

23. Thirdly, for that he hathe offered suche men unto the companye as ar eyther not eligible by statute, or suche as ar unmeete to be chosen to thos offices for which they were named.

24. Fourthly, for that he hathe used his negative voyce against those that were chosen by the greater part of the company.

25. Fiftly, for that he takethe to him selfe the propoundinge of all matters not allowed him by statute; by the which he dothe take unto him selfe a doble negative voyce.

26. Sixtly, for that he suffrethe not an equall distribucion of offices to be made amongest all the fellowes (as the statute requirethe), accordinge to every mans qualitye.

27. Item, wheras the statute providethe that the colledge writinges shall not be taken downe from the treasury and kept in any chamber, he commonly usethe to do the contrary.

28. Item, wheras by statute the booke of evidences should lye in the treasure howse, the master continually keepethe it in his chamber: he keepethe also by him *librum annalium*, the statute not permittinge the same.

29. Item, wheras it is appoynted by statute, that every scholler absent above one monethe in the yeare shall pay vi$^{d.}$ weekely out of his schollershipp to the colledge so longe as he shalbe so absent, he usethe to remitt the same at his pleasure.

30. Item, the statute willinge all colledge busynes should be talked of and handled *in toto capitulari*, and that in matters of wayght all the fellowes should be present (the absent beinge warned to returne within xv. dayes), he comonly observethe neyther of bothe.

31. Item, that divers schollers have beene placed in ther roomes by the master and others, havinge not stood to be examined accordinge to statute.

32. Item, wheras the statute providethe that every pensioner and scholler shall have *socium collegii tutorem*, the master takethe on him the tuition of bothe.

33. Item, Dr. Caius grauntinge by his statute unto his owne scholleres chambers rent free in his new buyldinge, the master so ordereth the matter that divers suche schollers have no chambers at all, he havinge filled ther roomes with pensioners at his pleasure.

34. Item, wheras yt ys by statute ordeyned that the master shall

not attempt any waighty matter without the consent of the greater parte of the company, he hathe often doone the contrary.

35. Item, wheras the statute (for the better goverment of the colledge) settethe downe that ther shalbe yearly two deanes or lecterers chosen, the master choose Mr. Depup (before named in the matters of education) for an whole yeare to be lecterer and deane alone.

36. Item, Dr. Peerse (beinge minister, and havinge, as the statute enjoynethe, sett downe his profession in divinity), was permitted and furthered by the master to chaunge bothe his sayd profession and his place to an other fellowshipp, wherby he professed physick; since which time the sayd Dr. Peerse hathe twice chaunged his profession by the masters permission.

37. Item, the master suffred very greate and continuall disorder in Mr. Howndes chamber, as black sanctus, and singinge of lewde ballades, with heades out of the windowes, and so lowde voyces as that all the howse wondred theratt, to the very evill example of the youthe.

38. Item, that the schollers at that time were suffred to live very licentiously, so that a greate part of them were common dronkardes and greate swearers, but no way punyshed or reformed by the master.

39. Item, that Mr. Howse (fellow of our colledge) was ernestly moved by Mr. Hinson, the masters especiall frend, and, as it is to be presumed, by the masters procurement, to enter into a bonde of xx$^{li.}$ never to geve his voyce contrary to the master.

40. Item, Mr. Barwick, of St. Edmondes Burie, a man well knowne to be popishe, and the masters old frend, threatned (now of late) to sue Mr. Brownings brother uppon a bond of an hundrethe powndes, made (as he sayd) by his father, which bonde he affirmethe to be forfeyted, for that the sayd Mr. Browninge (fellow of our colledge) will not be ordered in all matters by the master.

41. Item, that the master hathe deferred the eleccion of schollers and fellowes longer then by order they ought to be deferred.

42. Item, that he hathe kept back good and toward schollers from preferment, by not suffringe some to stand at elections, and by not propoundinge them that have beene permitted to stand.

43. Item, that he hathe geven licence unto one of the fellowes chosen lecterer to substitute another for a tyme; and at the quarters ende he deprived the said lecterer of his wages, for that he had delt against a papist.

44. Item, that the master hathe suffred certaine of the fellowes almost continually to absent themselves from the common table, punnyshinge others beinge very seldome away.

45. Item, that Mr. Hinson, beinge lecterer and deane, was permitted by the master to be away from the colledge the greatest part of the whole yeare, to the great decay of lerninge, and licentiousnes.

46. Item, that wheras the statute permittethe not small birdes to be kept in the colledge, for troublinge the studentes, the master hathe used continuall and expressive loud singinge and noyse of organs, to the great disturbaunce of our studdyes.

47. Item, that the master keepethe one of the three keys of the common chest, wher the colledge treasure lyethe; which is only permitted to three of the fellowes, yearely to be chosen as the other offices be.

48. Item, that we havinge small roome in the colledge, the master very muche anoyethe the howse in lettinge out the colledge stable to suche as keepe hackny horses within the colledge walles, and takethe the commodity therof to himselfe, contrary to statute.

49. Item, whereas all contencious persons ar by statute to be removed, whether it be master or fellow; bothe master and president in many of ther dealinges have playnly shewed them selves to be bothe the authors and upholderes of contencious quarrels in the howse.

50. Item, wheras the founder, Dr. Caius, hathe set downe by statute, that an indenture, with an obligacion of xv^{ten} hundred poundes therto annexed, betweene him and our colledge, bindinge us to the performaunce of certayne covenauntes and condicions therin specifyed, ought to be kept, togither with our statutes, by the master and fellowes of Benet Colledge, the master hathe bene of counsell, or, at the least wise, privy to the makinge away therof.

51. Item, wheras an auncient statute of our howse precisely commaundethe that the master of our colledge shalbe presented shortly after his eleccion to the chauncellor of our University, the sayd Dr. Legge, now master of our colledge, hathe not as yet bene so presented nor allowed.

MATTH. STOKYS.

1581.

DEPOSITIONS OF WITNESSES, ETC.

[From MS. Lansd. no. 33, art. 50, etc.]

The deposicions of Mr. Jhon Paman, fellow of Gonvill and Caius Colledge, for the proofe of suche articles as were objected by the fellowes against Mr. Dr. Legge, the master, and Richard Swale, president of the same colledge.

Education of youthe against the master.

1. He testifyethe this article to be trew; and that he never hard wise and well disposed persons speake otherwyse of him, especially since this deponent hathe knowen him first.

2. And that he hathe likewise judged of the masters puples as is afore sayd of the master him selfe, very few excepted, whom this deponent hathe knowen; and that for divers presumptions which in many of them hathe caused him so to thinke, as is to be proved in the articles followinge, as also by evident conjectures in some not here noted, besides that others have openly professed them selves to be papists.

3. The copy of Grimstons letter was delivered by Etherington to this deponent, who, after complaynt therof beinge made to the master (whither of him selfe, or requested by the master, he now well remembrethe not, savinge that he was not, as is sayd by the respondent, in Mr. Gerardes chamber), did also send for the same Grimston to his owne chamber, as well reprovinge his fact, as also instructinge him in the truthe; but findinge no other reformation in him, but only feare of correction for his faulte, desiringe this deponent, then beinge deane, to be good unto him, makinge almost no other aunswere, he was leaft still as before to be punnyshed and reformed by the master; of whom he was neyther punnyshed or reformed, but suffered to use suche liberty as before, and after suche tyme as is here sayd to depart from the colledge without reproche.

4. St. Quintin was called before the master by this deponent, at the complaynt of one Smith of the howse; and the wordes beinge confessed, the master promysed dew punnyshment for them, which should have been, for an open offence, some publick rebuke; yet this deponent enquyringe often could never yet heare so muche as any private correction to be taken for the same.

5. The contentes of this article he affirmethe to be trew; and that Fingley not only perverted the youthe of the howse, which this

deponent lerned after his departure from the colledge, but that he absented him selfe from common prayers and sermons, in sutche wise as he could not be drawen unto them by warninge and correction often used by this deponent and others for that purpose, only he beleevethe these thinges to be knowne to the master.

6. He hathe hard it reported by some of the fellowes, by whom the same Depup was chosen fellow of the colledge, bothe that the master that now is laboured to bringe him into the howse, and also that the founder, before his death, had, uppon mislikinge conceyved of the sayd Depup, given in charge that he should not be chosen fellow of the howse; that he was popysh, yt ys as well knowen by the common report that allwayes was of him, as that he was viciouse, which no man that well knew him can deny.

He affirmethe the 7, 8, 9, 11, and 12 articles; and in the 13 that Osburne was convicted of papistrie.

18. He saythe that Mr. Stapelton was very well knowne to the master bothe to be corrupt in religion, and to have beene free of speeche therin unto other; and that this deponent had complayned unto the master of the same Stapelton, who remayned, notwithstandinge, still in the house; and shold have stayed still, as it was reported, had not his father uppon an other occasion taken him away.

21. He saythe, the conventicles here named hathe beene declared unto him by others that have knowen them by them selves.

22. He hard the wordes uttered by Barwick before the master, neyther knew he any further inquiry made by him touchinge that matter; which the rather ought to have been done, for that before that time it was talked of in the colledge that the same Fingley was a priest, and not unlike to do such a thinge.

23. This deponent hathe knowen suche division among the schollers, and hathe complayned unto the master therof.

25. Sayres grace to be bachilor of arte, which Mr. Churche propounded in the howse and put up in the schooles, was contrary to the statute, which not only requireth the consent of the greater part of the fellowes, but the masters assent also, which was wantinge in his absence; besides the statute expressely denyethe any to put up graces for degree but the master alone, or in his absence the president only, and none else.

26. The master at his returne hoome propounded againe the same grace, first in the howse, but made no scrutany to take above one voyce; for that as it was knowen by often meetinges of the

fellowes about this matter, that two of the fellowes would call back their voyces which had consented to the grace before, and therfore he ceassed further to proceede, fearinge to have worse successe then at the first; and so takinge no further consent of the company, he labored to further the grace in the schooles, usinge reprochefull wordes to the party in the heade that then denyed the same grace, as he did in the howse before to some of the fellowes who denyed yt at home.

He affirmethe the 27 article; and the proofe of the 29 he referreth to the 8th article alledged against the president.

Touchinge the 30 and 31, he beleevethe them to be set downe as Barwick confessed them to this deponent and Mr. Hawes in his chamber; and he affirmethe the 33 and 34, and beleevethe the 36 and 37 to be true.

Decay of revenewes and want of goverment.

1. He testifyethe that the master, Dr. Legge, hathe taken yerely of the colledge treasury the summe of $4^{li}\cdot\ 13^{s}\cdot\ 4^{d}\cdot$ contrary to the statute herein alledged, as this deponent judgethe, and as appearethe by statute and booke of accomptes.

2. And that the master hathe wrongfully charged the colledge to pay $x^{li}\cdot$ for his default, as this deponent judgethe; and that he hathe hard some of the fellowes which were appoynted to be present at those accomptes, when as the master made unto himselfe this allowaunce of $x^{li}\cdot$, muche mislike the masters doinges, in that he did yt of him selfe alone, and did not aske the consent of the fellowes that were present therunto.

6. Fingley was never chosen butler by the fellowes, and receyved the wages for the office by the master, to whom yt belonged no more than the stipend of a schollership to one that was never chosen scholler, the butler beinge one of the schollers by the foundacion, and to be chosen by the master and fellowes as the rest be. The same he affirmethe in the 7 and 8th article; and that this deponent asked of the master to see the decree named in this 8 article, but he shewed it not. And that the 5 article truely chargethe the master with like default as in these 3 articles.

He affirmethe the 9 and 10.

He testifiethe also, that the accomptes of the colledge expenses and receptes ar not finished accordinge to the statute by the masters especiall default, specified in the 11, 12, 13, 14, 15, 16, 17, and 18 articles, whereof some be breches of statute to be reformed, some

directly do hinder the perfectinge of the accomptes, as is in the 11 article above pretended.

20. He testifyethe likewyse, the officeres of the colledge ever since Michaelmas last hathe bene unchosen; and that the chosinge of thes officers have bene hetherto differred by the masters defalt, and that for the reasons alledged *articulo* 21, 22, 23, 24, 25, 26.

27 and 28. He saithe the master observethe not the statute, in keepinge the colledge evidences and booke of indentures in his chamber.

30. He affirmethe that the master hathe oftentymes failed in bothe partes of this article; and that he hathe also failed in the 34 and 35.

36. He saythe, the master hathe twise chaunged Dr. Perses fellowship, first from divinity to physick, and after that from physick to divinity agayne, by consent of the company; and now suffrethe the same Dr. Perse, without consent of the fellowes, and to ther mislikinge, to professe physick in the same place which he last desired, and by consent was graunted, for a divine.

That he belevethe the disorders set downe in the 37 and 38 articles were never reformed by the master, and yet bothe of the fellowes and schollers then offended, as here is declared.

He affirmethe the 41 and 42, and beleevethe the 43 to be true.

44. He saythe, the master hathe not beene indifferent to the fellowes, in punishinge the sieldome absence of some from the table, and permittinge unpunnyshed almost the continuall absence of others.

47. Yt ys not like that the master retaynethe any of the keyes to the keepinge wherof he choosethe yearly 3 of the fellowes; but it is still trew that he keepethe one of the thre keyes of the comon chest, where the colledge treasure lyethe: which he ought not to do, first, because the statute says they should be kept by 3 fellowes yerely chosen to that purpose; next, because the master makethe himselfe continuall burser, and is to receyve the colledge mony for all expenses of the 3 chest keepers, to whom also he ought to bringe in all receyptes, and not to make himselfe a party; neyther dothe his predecessours will him to keepe any keyes delivered unto him contrary to statute.

48. He thinkethe, that the master, in usinge the colledge howses to his owne propper use, and to the annoyaunce of the colledge, dothe more then he ought to do by statute.

49. He saythe, that bothe master and president are conteyned

under the statute of contencious persons herin named, for causes alledged in divers articles against them bothe.

50. The master hathe reported, in the hearinge of the fellowes, that they shold not neede to feare the obligacion or indenture, for that he, the master, had eyther seene it, or had it reported of others that had seene it, caunceled, as he sayd.

51. The old statute, which ys yet in force, requirethe bothe presentacion and allowaunce of the new master by the chauncellour of the University, to whom also (the fellowes not agreinge uppon the choyse within the space of one monethe after the place shalbe voyd) yt wholly apperteynethe to put in the master at his pleasure; to whose honorable judgment this deponent referrethe the aunswer of the respondent to this article.

Mr. Swale.

1. He saythe, Mr. Swale hathe often tymes given just occasion of suche suspicion; which, althoughe it hathe beene better knowne in the howse then abroad, yet the publick fame hathe also witnessed this article to be true.

2. And for the second he saythe, that he remembrethe Mr. Churche in his chamber made report of suche wordes to Mr. Gerard and this deponent; and that the place where they were spoken, *videlicet*, betweene his studdy dore and the table in his chamber, he remembrethe well; but the time or forme of wordes he wholly remembrethe not.

3. He testifiethe thes wordes to have beene spoken to him, this deponent, in the hearinge of the fellowes in the chappell, and that the wordes were uttered with greate vehemency, in manner of defiaunce (and so they were taken by the company), sayinge his puples should have suche bookes, do what I could: and yet this deponent beleevethe not, that younge schollers, who may eyther be suspected for buyinge many suche bookes, or else be corrupted in readinge them for want of judgment, ought so to be incouraged therunto; and that he acknowledgethe no necessity to buy Pigius, or such like, to confute, but may use him or others at his pleasure.

7. Confessed in the aunswer.

8. He denyethe this article to be aunswered by confessinge the speache to be table talke, or by drawinge in Augustine and Martir as patrons of dissimmulacion in outward and civill matters, who neyther of them ar of opinion to allow of falsifyinge any truthe. Neyther was it the masters and presidentes purpose to speake them

of outward and civill matters only, as may welbe gathered by the reasons they alledged, which were directly to prove dissemblinge to be lawfull in matters also of faythe and religion; as that Paul cryed out that he was a Pharisey, when (as they said) he was none; and that Naaman, after he was a proselyte and professed the Jewes religion, had leave of Elisha to be with the worshippers of idols in Rimnon; with other reasons not now remembred, which were so redily uttered, and so ernestly by consent amongest them defended, that it easily appeared ther purpose was to strengthen so muche as they could the cause of dissemblinge, and that they had prepared argumentes to that ende. Neyther dothe this deponent judge the rest of this article to be forged or ridiculous; for that the schollers, hearinge this assertion made by the master and his company, some of them, after the fast, and before the communion which ensued next after, had the like conference among them selves for the truth of this question. Neyther was the time of this talke at the common table (as this deponent judgethe) longe before the generall fast; but that it was first knowen ther should be suche a fast before this speache was uttered by them; and that this talke of dissimulation, thus maynteyned by the master and president, hathe defamed the colledge, beinge reported in many places, especially at the table of some of the most honorable in the land.

9. He saythe, he hard Mr. Swales first common place, wherin Abraham and David for lyinge were commended to be examples, as a poynt of wisdome in the serpent to be followed; and that this deponent thinkethe not otherwise of his speache now then at that time he did, which he shortly after declared unto one of the fellowes his frendes, then keepinge company with Mr. Swale, by whose private speache Mr. Swale hathe also knowne this deponentes opinion as towchinge this matter; and that theruppon, as this deponent judgethe, Mr. Swale, longe after, beinge at that time in the masters chamber, sent a scholler of his to his study for Musculus Common Places, only to shew this deponent a place, alledged out of him, to confirme the lawfullnes of lyinge by some suche example. Neyther nedethe the respondent to have denyed this article, seinge it agreethe so fitly with his inclination which he confessed in the article named last before.

10. He saythe, that Barwick confessed unto this deponent and Mr. Howes, in his chamber, that he would not receyve the communion for that ther was not a priest to consecrate. For the rest of the article he deposethe not.

11. Mr. Sherrard, then bachilor of art and scholler of the howse, delivered to this deponent the letter here named; affyrminge it then to be Mr. Puryes wrightinge, and hathe since of late confessed it to be his owne penninge.

16. He remembrethe, that at the same time when Barwick was convented before the master, that then this deponent complayned of Sayre, for that he had troubled the howse more then was to be suffered in any scholler; to whom the master aunswered, that the said Sayre should troble the howse no more, for that he had gyven him warninge to depart. Otherwise he deposethe not.

18. This deponent as he was enformed by others so he made complaynt to the president in the masters absence, for that the master at that time (as he now doethe) challenged to himselfe the correction of the gentlemen in the fellowes comons, not sufferinge the deanes to correct them for ther faultes; wherby it fallethe out that bothe the deanes office is contemned of them, and the gentlemen suffered often times to live disorderly as they list. And yet this deponent, then beinge deane, thinkinge by statute that he was to order all the youthe in the howse, had before this time of complaynt punyshed one of the same gentlemen, namely, Creswell, for not goinge to sermons; who to shewe his contempt bothe of this deponentes advertisementes, and of the preachinge of the word, shortly after used charde playinge all the sermon tyme in the chamber next to the masters lodginge; and in this manner this deponent then complayned, the rather for that the yeare duringe which he had the office of deane was then expired. Neyther did he ever heare of any punyshment that the same Creswell sustayned for that fault; and that his tutor, one Mr. Dakins of the howse, was very unlikely to correct him for suche a falt, who was also tutor to the same Grimston, whose letter above mencioned declared that he professed never to come to any sermon. Whither this deponent made any further complaynt of others at that time or afterward, viz. that they, or otheres as well affected, used table playinge about the same tyme in the masters chamber on the sabboth day in the sermon while, he very well remembrethe not.

In the 20 and 22 he deposethe as in the 43 and 49 articles of goverment against the master.

JOHN PAMAN.

The answer of Richard Gerrard unto certen pretended reasons alledged against him by Mr. Swale, to prove that he is not, neither hath bene, by the space of iiij. yeares last past almost, felow of Gunvile and Caius Colledge.

1. To the first he answereth, that the reason and the whole contentes therof is false and untrewe, for that there was sometyme a lawfull and sufficient foundation of that felowship, as may appere by the will of the benefactor yet remayning in the colledge, and as is likewise evident by the second statute of D. Caius, where he maketh mention of xiii. felowships, accompting this for one. And he further alleageth that, wheras this felowship was forfeyted by breache of certen covenantes unto the heires of the sayd benefactor, and therupon the stipend therof deteyned from the colledge by the space of certen yeares, this respondent, by the means of his frendes, procured Mr. Wendy, heire to the sayd benefactor, to be contented to found the same anewe, and to present this respondent therunto; which presentation, for the more sufficiencye in lawe, was penned by D. Legge, master of the sayd colledge, and was redd by him unto the felows in the chappell, wherunto the master and greater parte gave theire consent, viz. that this foundation shold be good during the tyme of this respondent, and that after his departure from the colledge they shold be to agree with the sayd Mr. Wendye upon new covenantes, for that the conditions than offred semed to be some what unreasonable.

2. To the second he answereth, that he was chosen to this felowship before he was lawfully cut of by statute from his former felowship, and before he had enjoyed his personage one whole yeare, and that he was agayne chosen to the felowship he now hath according to the manner commonly used in the colledge in the like case. And that D. Perse and Mr. Hawes were chosen after the same manner to the felowships they now have; and that Mr. D. Tracye and Mr. Canhain were no otherwise chosen unto the felowships they latelye had in that colledge; and yf there were any othe, admission, or other ceremonye to be required in this case, the master was in faulte, who did not exact the same. Notwithstanding for the othe, it was alleaged by the master him selfe that it was needles, for that this deponent was sworne to the colledge before.

3. To the third, as before to the second reason.

4. To the fourth he answereth, that it was objected by one of the felows, at the tyme of this respondents second election, according to the contentes of this reason, and that then the master alleaged to the

contrarye a parcell of one of D. Caius his statutes, viz. *cuique benefactorum licitum est studii vitæque genus suis sociis præscribere, quemadmodum et fundatori suis:* and another parcell of one of D. Caius his statutes *de electione scholarium, videlicet, ad hunc modum proponantur, eligantur, etc., nisi aliter a benefactoribus constitutum sit;* by the which the master implied, that benefactors might dispence with the statutes of the founders, and that benefactors felows were no further bound to the statutes of the founders then shold seme good to their benefactor. And he further affirmeth, that yf benefactors might not in this case dispence, that than D. Caius cold not have graunted licence to his felows to take a spirituall livinge of x^li. valewe, being contrary to the statutes of the old founder. And he beleveth that if in respecte of foundation, or other uncapablenes, this respondent had not bene eligible by the statutes of the colledge, that than the master or the author of thes reasons, and the rest of the felows, being sworne to their statutes, wold not have proceded to the election. And that this respondent had bene possessed of his livinge either a yeare or more, it is untrewe.

5. To the fift he answereth, that the author of the reasons doth here speak contrary to his owne knowledge, for that ther was mention made of no such matter of countenance as is here pretended at the sayd election; but onlye that this respondent shold have *jus socii*, taking no commoditye of the howse, even as he which is *canonicus* hath by law *vocem in capitulo et stallum in choro*, though he have no livinge of the churche. And further, this respondent did at the same tyme offer of his owne accord to pay rent for his chamber, as a divident amongst the rest of the felows, which he hath done ever since. And he beleveth that yf his title to his felowship had not bene good, that than Mr. Swale wold never have bene so importunate with this respondent for his voyce at the election of Mr. Burton, and at other tymes, as he hath bene.

6. To the sixt he answereth, that this deprivation was unlawfull, being without consent of the felows, only mentioned in the hall at the table and not in the chappell, no statute being alleaged or fact proved why this respondent shold be deprived. And he affirmeth that there is nothing in the statutes why he may not enjoye his prebend with any felowship, for that his prebend is not *beneficium curatum vel non curatum;* and if it were, he had a dispensation from his benefactor before there was any proceeding agaynst him, which was at that tyme judged to be sufficient in law by the opinion

of D. Binge; and that he had enjoyed his prebend one yeare at the least at the tyme of this pretended deprivation, yt is untrew.

7. To the seventh he answereth, that there is no parte of the reason trew, and that he hath D. Pernes hand to shew to the contrarye in his letter written to the master of the rolls; and that he, this respondent, had latelye some conference with Mr. D. Howland concerning this matter, who affirmed that he, this respondent, was restored accordinge to the statutes of the colledge, and not otherwise. And whereas, at the tyme of the sayd restoring, Mr. Swale objected that there was no foundation, and that this respondent was uncapable of any felowship, D. Perne and D. Howland replied that than they were perjured which made choyse of him to be felow.

8. To the eight he answerethe, that he was lawfully mayntayned, wheras there needed no restitution at all, for that he was never removed by any lawfull proceedinge agaynst him, nether any sentence pronounced, as is here pretended. What D. Perne or D. Howland did privatelye request of the master this respondent knoweth not; but he belevethe they requested no such matter as is here pretended, for that he hath herd D. Howlande speake to the contrarye. As touching any promise that this respondent shold behave him selfe quietlye and frendlye towardes the master; if the master were an honest man, he might well do it, notwithstanding there was no such matter moved or assented unto; only D. Perne moved this respondent to make promise under his hand to geve his voyce with the master, or not agaynst him, in all causes whatsoever, which this respondent refused utterlye to doe; but, at the motion of D. Howland, this respondent promised to conferre with D. Perne and him whensoever ther was anye matter of waight in controversye; which promise he hath kept, and purposeth still so to doe.

9. To the ninthe he answereth, that since the first tyme of his interest, his voyce was taken and accompted of, as to make perfect or hinder elections; or els Mr. Burton was never perfectly chosen felow. And he beleveth, that yf his voyce had not bene of accompt to perfect or hinder elections, since the tyme of his pretended deprivation, that than D. Legge wold not so earnestlye have craved his voyce at Mychaelmas last at the election of officers, and that the master and felows (being by statute and othe bounde to make a trew intimation of the number and names of their felows yearelye to the bishope and deane and chapiter of Norwiche) wold not have certe-

fyed this respondentes name, in September last, in the sayd intimation, Mr. Swale him selfe being present at the sealing of the same under their colledge seale.

10. To the tenth he answereth, that tyll of late his voyce was never excepted agaynst, but only by Boothe, whom the master and president make their instrument to set abroath evyll matters, which they ar ashamed to begin them selves: and that his voyce was not first excepted agaynst as prejudiciall to any mans commoditye, but for that he had preached a sermon agaynst corruptors of youth in St. Maryes, which the master and president interpreted to be spoken directlye agaynst them. Of late, he confesseth that Mr. Booth tooke exception to his voyce, for that he denied to geve his consent to the graunting of a lease, which the master and president did fraudulently seeke to passe to one Homan Booth, his brother in law, to Booth his use, contrarye to the meaning of the statutes of the howse. And he further confesseth, that he was willed and commanded to depart, and threatned to be removed by force, if he wold not departe; but only by the president, who commonly taketh upon him more than he hath to do, and with great wordes and bragges seketh to make men afrayd, who, being well acqnaynted with the same, make smale accompt of it. That any other hath misliked of his presence at any secret conference, savinge Booth and Swale, he cold yn never any manner of way perceyve.

11. To the eleventh he answereth, that untyll now of late his voyce was asked and accompted amongst the rest by the master, without any indirect meanes or motion; and that in two intimations his name was inserted and placed amonge the rest of the felowes, the president him selfe being present at the sealing of the sayd intimations, and this respondent being than absent at his benefice. And that in all other intimations heretofore this respondentes name hath bene certefyed emongst the felows; and that none have shewed their misliking of this respondentes being felow, or geving his voyce, saving the persons aforesayd, and for the causes aforesayd.

RYCHARD GERRARD.

[There is a considerable body of further depositions, most of which are repetitions of what has gone before. The only one we select for insertion here is the following, by Dr. Goade.]

AD 24 *articulum custodis.—Deponit,* that he well remembreth, that about ix. of the clocke at night, after the colledg gate was lockt, when

Cutting first fell sycke, he hearing a great noise in the streat withowt the gate, this deponent cam to the gate with Mr. Flemyng, to understande the cause of the crying. And hearing by the voice that it was Cutting, one of the singyng men (but not knowing what he said or cried in the streate), caused hym to be lett in; and so going with hym, to bring hym to his chamber and bed, with Mr. Flemyng and others in the company, hard the said Cutting divers tymes repete this speech in great vehemencie and owt-crying, viz., Yow thincke I do dissemble, but I am trubled and tormented in conscience for papistrie: I have offended yow; I pray yow, forgyve me—offering to kneele downe on his knees, which this deponent would not suffer hym so to doe; the said Cutting repeting iij. or iiij. tymes (to this deponentes remembraunce towching the tymes) in the waye he was ledd to hys chambre,—Dr. Legge, an horryble papist; Mr. Swale, a dissembling papist; Mr. Burton, a rayling papist. And this deponent continuyng with hym that tyme tyll he was to be layed in his bedd, about the space of one howre, did not heare, to his remembraunce, hym to make any mention that tyme of any other to be noted of papistrie but the iij. forenamed. And the said Cuttyng, at the same tyme speakyng of other civyll matters in this deponents hearing, did not name any person or matter which was not either knowen to this deponent and other then present to be trew, or els probable and likelye.

PROTEST OF THE MASTER AND PRESIDENT.

[From MS. Lansd. no. 33, art. 57.]

I, Rychard Swale, master of artes, fellowe, and president of Gunvyle and Caius Colledge in Cambridge, as well in the name and behalfe of Thomas Legge, doctour of lawe, master or keper of the aforesaid colledge, as in myne owne, do by these presentes protest, declare, and alledge, that we, the said Thomas and Rychard, ever since hyr majesties most gracious reygne, have wyllinglie, without eyther feare or compulsion, bene conformable and obedient to all lawes, statutes, articles, injunctions, and other decrees ecclesiasticall whatsoever, concerning religion established within hir majesties realme and dominions. And the same have alwayes

testified, by our diligent frequentinge of common prayers and sermons, and receyving the sacrament of the Lordes supper at suche tyme and tymes as by the statutes of this Universitie is prescribed; which good affection and true obedience of ours to all the foresaid lawes and ordinances we do at this present gladlye professe, and the same (by Goddes grace) hereafter purpose and intende. In consideracion wherof, as true and faythfull subjectes, we humblye crave and desyer the benefitte of hir majesties lawes; that wheras somme of the fellowes of the colledge aforesaid have maliciously exhibited certayne articles concerning religion against us, the said Thomas and Rychard, severallie, to the great slaunder and discreditt of us bothe (so farre as in them lyethe), and that in maner and forme of accusacion, howsoever they nowe seame to intend an other course and maner of proceding, contrarye to all reason, conscience, and justice: yt may therfore please your worshippe, with the rest of thassistantes at this present assemblyd, in respect of a statute enacted 25 *anno Henrici Octavi*, concerning punishement of heresyes, and agayne confirmed since hyr majesties raigne, not onlye to pronounce and decree that the said exhibitors and compleynauntes ar and ought to be judged, reputed, and taken as accusers, and in that maner hitherto in the said compleynt to have proceded, but also to admonishe and commaund them, and everie of them, by due processe and way of accusacion, and not otherwyse, hereafter to procede, according to the true purpose and meaning of the statute aforesaid. Or els to deliver and dismisse us, the said defendauntes, from eny furder vexacion and trouble in that behalfe.

All which thinges I, the said Rychard Swale, in the names aforesaide, do joyntlye and severallie protest, declare, and alledge, to all intentes and purposes of lawe that may therebye ensue. Offering my selfe readye to make proufe of all and singuler the premisses, or of so manye of

them as shalbe convenient for me, and no otherwyse, wherof I protest, humblye craving, in all and singuler the premisses, justice and ryght as appertaynethe.

ANSWER OF THE FELLOWS.

[From MS. Lansd. no. 33, art. 51.]

We, the fellowes of Gonwell and Caius Colledge, who have exhibited and propounded heretofore certeyne articles, beinge thereunto occasioned and injoyned, as we declared in a certayne speache or protestation prefixed to the said articles exhibited; and doe, in best and most effectuall maner that we maye, under the protestation by us first made, desyer that all and every hollow protestation, and vayne and dilatorye exception, and fryvolus allegation, made or to be made on the part or behalfe of our said master and Richard Swale, maye be rejected, as tending only to the protracting of this processe and proceding, and to drawe Mr. vice-chanceller and us out of a direct and compendious course of proceding, according to the true intent and effect of the lettres of the right honorable our lord the cheife chancellor of this Universitye. And whereas the sayd master and Swale do demand that they may have the benefitt of the statute made *anno* 25 *Henrici* 8, we say and aledg that the matter or articles by us exhibited, etc. is not comprehended within the compasse of that statute, and the maner of proceding in the same dothe not apperteyne to the sayd statute; for that any matter by us exhibited, neyther *dicto* 25 *anno Henrici* 8 was, neyther now ys, by the said statute and expresse lawe of this realme, reputed, accepted, or taken for heresye, *seu saltem* for sutche heresye as is met and specifyed *dicto statuto facto anno* 25 *Henrici* 8. And furthermore, that in this proceding the due and proper punishement appointed

by lawe for heresye is not intended or demanded (which is deathe, etc.); neyther doeth any thing or matter by us alledged import or require by lawe so grevous punishment. Whereupon the cause, so farre forth as is pretended by the said partyes, viz. the master and Swale, to conteyne matter or accusation of heresye, is and dothe concerne a specification of corruption in and about the education of youthe within our said colledge, and evill governement there; and tendeth to the informing of our said lord, the cheife chanceller, towchinge those two poyntes, according as he hath required by his honorable lettres. And the punishment therof is, or ought to be, but meere civile; and the maner of proceeding is, and ought to be, in and after every best sort and maner, that the truthe of the said articles may be best found out, and our said lord best informed; and not after any strict forme of lawe, especially sutche as is requisite in criminall causes. Neyther are we, the sayd fellowes, to be compelled to become accusers; but are to be admitted and receyved (under the protestation by us first made) to prosequute the same in sutche sort and maner, that all civile matters, and criminall tending *ad animæ salutem, et morum reformationem, aut etiam ad salutarem et canonicam emendationem*, and as criminall matters objected by the waye of exception, and not otherwise, are to be prosequuted; and the premisses doe and may sufficientlye and thoroughly appeare to be trew, as well by our sayd lord his honorable lettres, by the which noe farther authoritye is graunted to Mr. vice-chanceller, but onlye to heare and searche for the truthe of certeyne pointes therein mentioned; as also by the articles by us heretofore exhibited, and the maner of proceding yelded unto hetherto by the sayd master and by Swale. And hereuppon we, the said fellowes, under our first protestation, requier justice to be ministred.

INTERPRETATIONS OF STATUTES.

Interpretatio statuti 49, de solutionibus faciendis ab his qui gradum suscipiunt.

ΑΡΙΣΤΕΥΕΙΝ.

Cum ex hisce statuti verbis, "Omnes incipientes in aliqua facultate dabunt cancellario, patri, et procuratoribus pro creatione et disputatione pro veteri more academiæ," duo potissimum dubia emerserint:

1um. Utrum pecunia illa quæ ab inceptoribus in artibus alteri procuratorum ob insigne pilei repræsentatur (unde nostro idiomate appellatur *cap money*) solis procuratoribus debeatur, an vero inter cancellarium, patrem, et procuratores distribuenda sit, et si eo modo distribuenda sit, quota pars ejus singulis oporteat accedere?

2um. Utrum pater inceptorum in artibus eadem vel diversa persona sit ab alterutro procuratorum, ita ut penes inceptores resideat potestas patrem sibi aliunde quam ex procuratoribus eligendi?

Ad horum prius expediendum, nos, cancellarius, procancellarius, et singulorum collegiorum præfecti, ex sincero omnium litium dirimendarum studio, et quo succrescentium controversiarum ansas tempestive proscindendo hujus academiæ felici regimini et securæ tranquillitati prospiciamus, post maturam deliberationem et justum examen veterum hac in parte consuetudinum atque morum academiæ, ad quos prædicta statuti clausula nos amandat, neutiquam comperimus quidquam ex supradicta pecunia antiquitus cancellario accessisse præterquam quantum uni pileo emendo satis esset, neque patri præterquam unius etiam pilei pretium, cum duobus insuper denariis pro singulis inceptoribus.

Quare pro auctoritate nobis commissa interpretandi atque determinandi omnes ambiguitates atque controversias

ex academiæ statutis oriundas, nos interpretamur atque determinamus, quod numerato tum cancellario tum patri unius pilei pretio, atque huic insuper pro numero inceptorum in artibus bis totidem denariis, quod reliquum fuerit superius designatæ pecuniæ solis procuratoribus suo jure debeatur.

Posterius quod attinet, quandoquidem ex receptissima praxi atque consuetudine academiæ (quæ cum optima legum omnium interpres censetur, tum nobis, in quantum nec sacris literis nec ipsis statutis opponitur, in 50 academiæ statuto observanda præcipitur) procuratorum alter ad paternitatis munus ab inceptoribus in artibus cooptatus fuerit, nos (unius statuti sensum alterius ductu assecuti) interpretamur ac determinamus præfatos inceptores in artibus ad alterum ex procuratoribus tantum patrem in magnis comitiis eligendum teneri. Qui sic electus non alium quacunque de causa sibi ad id muneris obeundum substituet, præterquam in quem procancellarius et major pars præfectorum collegiorum consenserint. Et quia penes ipsos inceptores est optio quem ex binis procuratoribus sibi patrem velint, nos, quo æmulationem atque litigium omne (quantum in nobis est) inter ipsos procuratores in posterum amputemus, determinamus ulterius universa emolumenta, quacunque ratione, qua statuto, qua consuetudine, patri contigerint, inter binos procuratores æquo jure distribuenda esse.

T. Suffolke.	Tho. Bainbridg.
Jo. Richardson.	Heeronymus Beale.
Jo. Hilles.	Jo. Mansell.
Tho. Paske.	Samuel Collins.
Samuel Walsall.	Bar. Goche.
Leonard Mawe.	Cle. Corbett.
Oen Gwyn.	Jo. Gostlin.

[Int. Stat. p. 334.—Original MS. in the possession of the vice-chancellor.]

Apr. 30°, 1582. De appellationibus.

Doctor Guliel. Fulk, S. T. P. almæ Universitatis Cantabrigiensis procancellarius, doctores Pern, Bell, Goad, Howland, Harvey, Bing, et Legg, et magistri Tyndall et Barwell, interpretati sunt caput de appellando. Quilibet appellans infra decem dies post datos judices tenetur prosequi appellationem, sub pœna cautionis depositæ viginti solidorum, et fœdarum, et beneficii appellationis.

FURTHER DISPUTES IN CAIUS COLLEGE,

RELATING TO THE ELECTION OF A PROCTOR.

THE FELLOWS TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 34.]

Honorando imprimis domino, domino Burgleio, summo Angliæ thesaurario et academiæ Cantabrigiensis dignissimo cancellario.

Auctoritas tua (honoratissime cancellarie), quam in academicis omnibus summam libenter agnoscimus, in rebus privatis collegii nostri salutarem nuper experti sumus, facit hoc tempore ut magni nostrum omnium interesse putemus, et res eas quas gerimus tibi notas esse, et non ignorari a te quis collegii status in præsentia, quæ posteritatis spes, quis metus bonis, ab hominibus (ut mitissime dicamus) non optimis, injectus sit. Immortales agimus amplitudini tuæ gratias, quod religionis causam susceperis, quod hominum a studio religionis abhorrentium animos fregeris, quod rebus secundis effrænatos sibique præfidentes tanquam in gyrum rationis ac officii redegeris; hæc præstantis cujusdam virtutis fuerunt, nimirum tuæ: utinam, (veremur autem ne ingrate dicamus in te, quod in collegium, in academiam, in

patriam dixerimus pie) utinam prudentiæ tuæ visum fuisset, non solum ramusculos amputare, sed etiam radicum fibras incidere, et quibus surgemur mala radicitus extirpare, fuisset id quidem felicitatis latissime patentis, sed imprimis nostræ. Novimus (ornatissime domine) et plus quam vellemus indies experimur, in iis hominibus quibuscum agitur, quam exiguus sit veræ pietatis sensus, quam minima spes melioris frugis, nulla probabilis futuræ messis significatio, quam subdole, quam astute, quam ad tempus et personas accommodate, gerant omnia. Pollicent bonis affuturos se et qua poterunt ratione profuturos, malis vero non defuturos solum, sed etiam ituros contra: verum interim antiquum obtinent, hærent in fæcibus academiæ, utuntur veteri familiaritate consiliisque; hominibus autem melioris notæ tantum abest, ut probare se studeant, ut odium vix tegere possint. Profitentur velle se charitatem et unanimem omnium consensum; conditiones tamen ac leges repudiant, quibus amor mutuus consensioque non excitetur modo, sed etiam alatur et quasi perpetuis vinculis teneatur. Cedunt igitur, verum ut athletæ solent, non tam hostis fugiendi causa, quam capiendi locum ex quo majorem plagam possint infligere. Cedunt non causæ, non charitati, non ipsi veritati, sed auctoritati tuæ, sed necessitati, sed tempori; quod aucupantur etiam diligentius, in eoque spem omnem suam putant collocatam, ut simul atque despexerit auctoritas tua paululum, quod necesse est fore, in tantis præsertim occupationibus tuis, illi similia prioribus vel etiam pejora moliantur. Nunc autem, vix dum obducta recenti vulneri cicatrice, publicam academiæ procuraturam prensat is, cui non satis est paulo prius vitasse pœnam, nisi subinde quam amplissimo munere remuneretur. Prensat autem, non, more majorum, honesta legitimaque petitione, sed partim vi, partim insidiis: verum ut omittamus technas, quibus alios sollicitando, aliis per amicos imponendo, saltem aliquos in suas partes pertrahere

conatus est, etiam vim parare videtur: multis per suos emissarios litem intendit, vel novam, vel eandem quæ superiore anno, suffragia nostra minuendi spe, fuit ab ipso excitata, sed auctoritate tua tempestive consopita est. Quod si hac non successerit, alia aggredietur via, diplomate regiæ majestatis opprimet, quos, auctoritate tua minus ipsi favente, desperat se posse premere; sic enim familiares ipsius edicunt, si non alia ratione, saltem hac extrema, negotium confici posse, seque propediem expectare, ut quod liberis suffragiis, vel quovis modo eblanditis, effici non potest, id demum serenissimæ majestatis imperio coactis extorqueatur: hæc autem ejus cum violenta tum præpropera prensatio est, nam illi nos ita negamus, ut aliis ad minimum tribus antiquitatis jure deberi dicamus: denique sic contendimus: Procuratoris munus, quod collegium habet amplissimum, academia non minimum, in ejusmodi hominem maxime conferri oportere, qui collegii decus, academiæ et decus et commodum procurabit; in eum vero minime, cujus anteacta vita, collegii morbus et probrum, subsequens procuratio, tum collegii, tum academiæ, detrimentum proculdubio futurum est, cujus uno nomine omnes recte sentientes afflicti atque perculsi jacebunt, omnes autem papistæ vel ἄθεοι recreati volitabunt in foro, atque in senatu dominabuntur. Nos igitur, tam lubricis rebus tamque miseris temporibus, quid agimus? aut quid speremus? Optare fortasse possumus meliora, sperare vero, vel nostris viribus efficere quicquam haud possumus. Unica spes et anchora manet auctoritas tua, quam nunc evocamus, et multis cum precibus imploramus, apud quam bonæ partes valebunt, aut a tuis genibus repulsæ, locum ubi consistant reperire non poterunt. Sic igitur, vel ad tribunal auctoritatis tuæ sistentes, vel ad misericordiæ pedes provoluti, humillime petimus, primum, si fieri potest, ne premamur imperio reginæ majestatis; aut si id integrum non sit, quia transacta jam res est, tamen aliquis supplica-

tioni nostræ locus relinquatur: secundo, quia nondum obtineri potest, ut præfectus noster eadem velit ac nolit, quæ major et melior pars, (*συμμαρτυρούσης σὺν τῷ θεῷ τῆς ἡμῶν συνειδήσεως,*) rogamus etiam, ut intercedant domini visitatores et superintendentes, quos etsi noverimus amicissimos præfecto nostro, tamen ita causæ nostræ confidimus, ut eosdem judices non recusemus, adhibito domino procancellario, vel auctoritatis tuæ ministro, vel teste voluntatis. Deinde, cum omnes in eam rem convenerint, quod ad singulorum tentatos locos attinet, excutiant si placet omnem scrupulum, quem nos quidem nullum existimamus, verum injicere adversarii nostri cupiunt, hac fraude, ut suffragiis nostris, aut minutis aut controversis, assequantur quod volunt. Præterea, quoniam reliqua item apud nos controversa, ab honore tuo cognita quidem, sed non composita, componere cœperunt ipsi domini visitatores et superintendentes, vehementer cupimus determinandi tempus certum illis præstitui, quod etiam detrectarunt eorum nonnulli, ut quod faciunt usque nusquam perficiant. Ad extremum si necesse nobis fuerit idipsum perferre quo diutius ferendo franguntur nostrum plerique, sed quia non tam de nobis ipsis, qui paulo post emigrabimus alio, quam de posteritate nostra laboratur, quæ subibit hoc onus deinceps, fortassis etiam succumbet, nisi prudentiis vestris allevetur, contendimus insuper, ut auctoritate tua interposita, domini visitatores et superintendentes sic de præteritis statuant, sic futuris etiam prospiciant, omnibus rebus, quæ pro et contra nunc torquentur ad placitum, sic compositis et constitutis, ut omnis in posterum et dissensionis et contentionis ansa præripiatur. Hæc postulata, quæ nos putamus æquissima fore, et collegio, quæcunque sors nos manet, adprime utilia, si quemadmodum exhibemus prudentiæ, sic probabit auctoritas tua, dein, procancellarius reliquique voluntatis tuæ administri rata facient atque probata, plurimum debebit omnibus vobis respublica Caiana

et Gunvilliana, tum utcunque res cesserit, nos certe nostris officiis perfuncti sumus. Cantab. Junii 7°.

Honori tuo deditissimi,

JOHANNES PAMAN. THOMAS HAWES.
RICHARDUS GERRARD. MICHAEL RABBETT.
PAULE GOLDE. THOMAS HOWES.
ROGER BROWNINGE.

THE VISITORS TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 33.]

To the right honorable the lord Burglie, high treasurer of England, and chancellour of the University of Cambridge.

OUR humble dutyes remembred unto your good lordship: as we have beene carefull accordinge to our dutyes in the cause which your lordship lately commytted unto us with otheres, visitors and superintendents of Gonvill and Caius Colledge, and sundry tymes havinge mett all together, have proceeded to the orderinge and quiet endinge of the controversy touchinge the election of officeres; and we for our partes have bene, from tyme to tyme, ready and desirous to fynishe and determine the rest specifyed in your lordships letters; but the absence of some (likewyse put in trust by your lordship) hathe bene and is such as we feare we shall not be able to make so speady an ende as your lordship lookethe for, and the fellowes of the said colledge, often calling uppon us, desyrethe. So, in like care, tenderinge the quiet estate of the howse, beinge by the fownder put in trust, and favoringe the well disposed in the colledge, we thought it partly to concerne our dutye to let your lordship also understand, that ther yet remaynethe a likelihood of further matter of variaunce in the colledge about the choise of the proctour; for that the president contendethe to be senior, beinge noted in your lordships

late injunctions to have deserved some example of severity, and not yet so cleared as the credit of that office, in our opinions, may safely so soone be committed unto him. The preferment of the election by usuall custome belongethe to the senior of the fellowes, wherof the president is in place and office, and in the chosinge of the master, accounted the senior; otherwise the first sworne in his admission to be fellow, is, by the statute, the senior in the howse; in which order the said president hathe but the sixt place, and is the fourthe of them that ar eligible to this office: he that is the senior by admission beinge a man honest, a preacher, one mete for the office, and for religion one of the best members of that howse, in which respect also he ought by your lordships late order to be preferred, hathe also the good will (as we heare) of the greater part of the fellowes. Wherfore it may please your honor to direct your letters to the master, that without delay (which wilbe hurtfull to the quietnes of the howse) he would propound the choise of this office, and therin for his part deale for the furtheringe of the senior and most forward in religion, accordinge to your lordships injunction prescribed to the master. And so leavinge the consideracion therof to your lordships wisdome, we commend the same to the Almighty. From Cambridge, this 7 of June, 1582.

Your lordships allwayes at commaundment,

ROGER GOADE.
JOHN HATCHER.

SIR CHRISTOPHER HATTON TO THE FELLOWS.

[From MS. Lansd. no. 36, art. 35.]

AFTER my veric hartie commendacions: understandinge that one of the proctoures of the Universitie, to be chosen

to supplie that place this next yere, is to be nominated and appointed out of youre howse, and beinge enformed by some of my good frendes, and partelie by myne owne knowledge, that Mr. Swale is the next that both in senioritie and by the statutes of youre colledg ought to be elected before anie other to exercise that office, I have thought good to commend him in that respect to your good favoures; not for that I have anie waie cause to doubt that anie of yowe, by occasion of faction or anie other private regard, will be moved therein to offer him anie wronge, or to keepe him from his right, but especiallie for the good opinion which I have conceived myself of his greate sufficiencie, gravitie, and good goverment, which, I must justlie saie, is such and so well to be accepted of all those that will doe him justice, as noe man in your howse of his tyme can deserve more commendacion. In consideracion whereof, I have the rather taken this course to intreate yowe to have due regard of his right in this behalf, that (without anie makinge anie further meanes to her majestie to move yowe to that which otherewise yowe ought of youre owne good disposicions willinglie to yeld unto) he maie enjoye the place accordinge to the statutes of youre colledge, ordeined directlie in that behalf. Wherein not doubtinge of youre carefull and frendlie accomplishinge, I bidd yowe right hartelie farewell. From the court at Grenewich, the 17th of June, 1582.

Your verie lovinge assured frend,

CHR. HATTON.

I am the rather bound to move you ernestly in Mr. Swales behalf, because he is towardes me, and a man, in truth, in whome I repose greate confidence: I praie you, therefore, doe him alle right with your good favoures.

INTERPRETATION OF A STATUTE.

Jun. 13°, 1582. De assignandis A.M. qui disputent in publicis comitiis.

Ad academiæ dignitatem illustrandam cum primis pertinere, ut publicæ disputationes ab iis potissimum hominibus tractentur, qui huic oneri perferendo præ cæteris idonei videantur, nemo sanæ mentis dubitaverit; quæsitum tamen est nuper, an, si qui ut in publicis forte disputent comitiis a procuratoribus rogati recusaverint, ad illud munus subeundum procancellarii auctoritate cogi possunt. Nos autem, quoniam legibus nostris cautum novimus, nequis ad gradum aliquem hic admittatur, nisi qui se et procancellario obedientem futurum, et statuta et consuetudines hujus academiæ approbatas observaturum, et honorem pro virili aucturum ornaturumque esse, conceptis prius verbis juraverit: idcirco ad hujusmodi controversias in posterum tollendas explicando decernimus, et interpretando constituimus; quoties idonei viri, qui procuratorum rogatu philosophicas disputationes in publicis comitiis obituri sunt, non reperiuntur, toties ad procancellarii officium spectare intelligi, ut is quoscunque artium magistros (modo quintum magisterii annum non compleverint) ad hujusmodi disputationes subeundas pro arbitrio suo possit designare. Si quis autem sic designatus, id quod ei imponitur muneris exequi neglexerit, tum pro contumaci, nec obediente, habendum esse definimus.

THE UNIVERSITY TO THEODORE BEZA.

[From MS. Harl. no. 7037, p. 406.]

Ornatissimo viro, et in omni literarum genere excellentissimo, Theodoro Beza, primario pastori Genevensi.

Accepimus literas tuas (ornatissime Beza) plenas humanitatis, tresque præterea libros academicæ librariæ consecratos; quorum duo quinque Mosis volumina Hebraice scripta complectuntur, multis doctissimorum hominum commentariis illustrata; tertius vero manuscriptus quatuor Evangelistas Græco-Latinos continet, cum Actis Apostolorum. E quibus omnibus facile existimari potest quam honorifice de academia Cant. sentias, quamque vehementer cupias sempiternum apud nos nominis ac memoriæ monumentum conservari. Gaudemus hercle (gravissime Beza) sic esse res nostras, ut a te, tristi ac directo theologo, sic lautissimis verbis efferantur; sed quod illud in votis habeas, ut aliquo collato beneficio, de academia nostra bene mereare, id vero serio triumphamus. Quamquam si vere loqui volumus, insignes lucubrationes tuæ theologicæ, quæ quotidie vigent apud nos, et in omnium ore ac sermone volitant, tales sunt tamque divinis rebus accommodatæ, ut vel eo tantum nomine nunquam tibi satis debere posse videamur. Nam hoc scito, post unicæ Scripturæ sacratissimæ cognitionem, nullos unquam ex omni memoria temporum scriptores extitisse quos memorabili viro Johanni Calvino tibique præferamus; ut vel hac sola beneficentia contentus, majorem gratificandi modum non desideres. Sed quoniam nullum finem statuis bonitati tuæ, nec tibi satis facis, dum illa tua scripta ad nos perveniunt quæ cum cæteris quoque gentibus communicata sunt, nisi quorundam etiam librorum privatam accessionem adjungas. Publicis tuis scriptis, pro communibus utemur; hæc vero nuper privata eademque germana dona literatis-

simi viri multi arctius amplectemur. Nam si magnorum hominum liberalitatem, qui nos possessionibus locupletarunt, in summa laude ponamus, quo tandem studio prosequemur eos, qui curant ut omni salutari literatura abundemus? Ac licet hanc animi tui gratuitam propensionem, quam simillimo munere remunerare difficile sit, quantum tamen amore et industria perficere possumus enitemur, ut intelligas te nobis esse carissimum, nihilque hoc tuo postremo beneficio gratius unquam accidisse. Deus optimus maximus fidelissimus ministerii tui uberrimum fructum concedat, teque ipsum, post multos exantlatos labores, immortali gloria coronet. Cantabrigiæ, 15 Kalend. Junii, an. 1582.

CONTINUATION OF THE DISPUTES IN CAIUS COLLEGE.

COMPLAINTS OF THE FELLOWS.

[From MS. Lansd. no. 36, art. 45.]

Wheras the deanes of the colledge by statute ar to se to the youth, and to reforme their manners in all places; and further, also, by my lorde his late injunctions, they ar more straightlye charged to looke unto them in tyme of sermons and common prayers; the president hath hindred the execution hereof.

First, by puttinge of such mulctes as have bene inflicted by the deane in this behalfe; also in suffering Mr. Booth, without controlment, to resist the deane, partly by open violence, and partelye by menacing if he durst for his eares, and other reviling speche not fit to be named, when as due punishment was to be taken for the foresayd defaultes.

Item, by this meanes the youth of the howse ar not

onlye incouraged to disobedience and disorder, but also mayntayned by the president, as being divers tymes complayned unto, of open contempt hath no regard thereof.

Item, wheras Mr. Skinner gave charge in my lorde his name, and that before Mr. vice-chauncelour, that he shold se my lorde his will executed; viz. that none of thos iij. felows that were disorderlye dealt agaynst and pretended to be removed, shold either in word or deade be quarrelled withall, the contrary hath bene committed diverse tymes by the president; as,

First, Mr. Gerrard, having necessarye cause to ride forthe, is denied as a felow to set downe his name according to statute in that behalfe.

Also Mr. Rabbet, divers tymes since, hath bene excepted against, not only in worde, as threatned often by Mr. Booth to be thrust out of the colledge by the eares, but also in deede, as suffering violence, chalanged into the fieldes, and resisted in his office by the sayd Boothe iij. or fowre tymes; especially the xxiiijth of August last, the sayd Booth disturbed him at tyme of corrections, calling the butler awaye, and taking the deane by the bosome, and forbidding him for his eares to deale any further, with other such menacinges and revilinges before all the schollers. This being referred to Mr. Swale, he answered partelye that he wold do nothing contrary or prejudiciall to his former doinges, and partely because my lorde and the visitors had entermedled he wold have nothing to do withall.

Item, whereas the president, in reforming thes and such like disorders, refuseth to deale for the cause above specified, yet otherwise to crosse and abuse others he dealeth continually; as in putting of mulctes above mentioned; also in restoring into commons one that was justly put out for striking the deane, and hath no way punished him otherwise, wheras the statutes of the howse are very straight in such cases; also in denying to the felows ordi-

nary leave to go out of towne, wheras the statute sayth that he shall not be *difficilis in concedenda venia*.

Item, the xxvij. of August being inhibited by the visitors in my lorde his name from procedinge to election of a felow in Mr. Gould his place, the xxix. folowinge he came into the chappell, made offer of election; at what time being charged with my lorde his late inhibition, he demanded whether he should rather obey my lorde or his othe? wheras there is no such othe constrayning, as he pretendethe.

Item, whereas my lorde, by his injunctions, provided for the safetye and quiet of thos felows which had articled agaynst the master and president; Mr. Swale hath greatlye threatned of late, that howsoever my lorde hath provided for us in the howse, yet hereafter, when we shall be out of the colledg, if there be any law in England, we shall awnswer it.

RICHARD SWALE TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 37.]

To the righte honorable my singuler good lorde, the lorde Burghleighe, lorde highe treasurer of Englande.

Righte honorable, my bounden duety moste humblie remembred; whereas, by reason of your honours lettres directed lately to certen persons in the University, the master and divers fellowes of our colledge by their lettres humblie crave of your goode lordship, that all private matters and controversies which mighte any way arise in the choise of the proctorship, mighte, accordinge to statutes in suche cases provided (under payne of perjurye and expulsion), be wholly referred unto our visitours, and to none other; and for that erneste request was made to the said parties by our master to staie from entermedlinge in those

matters (wherwith they were not any waye orderly to deale) untill your honours pleasure in that behalfe mighte be further understode; they have, notwithstandinge, proceded to suche sentence and determynacion, as, in the common opinion and judgement of eightene doctors of the Arches, is directly contrary to the orders and statutes of our howse, wherby they shoulde have byne ruled and ledde: maye it therfore please your honour, the cause as well touchinge all our consciences as my private estate, good name, and honestie, to accepte in good parte my moste humble petition made to the same effecte with our former lettres to your lordship; which is, that sith we have statutes and orders (whereunto we are all sworne, and wherby all our controversies maye and oughte to be determyned) by your honorable favour, accordinge to all custome, examples, and statutes of the University, oure owne orders, consciences, and othes, wee may have our free election of the proctorship, cominge by course this yere to be chosen in our howse, and not be compelled, in any respecte contrary to custome, examples, statutes, our othes, and consciences, to admitte of any other extraordinary meanes and dealinge therin. For whereas it semeth, the cause of your honours direction for theis newe entermedlinges in our private affaires, to procede partely upon some false suggestion of those who either knowe not our statutes, or else contemne them, and partelie, as I am enformed by Mr. Bancrofte, for that your lordship judgeth me in good possibility of that prefermente (if orderly procedinge be observed), but unworthy thereof in respecte of suche compleyntes as were lately exhibited to your honour againste me (notwithstandinge I had above sixe score handes of the best in the University to purge me in that wherof I was accused): maye it please your lordship to remember, that albeit any be privately chosen in our colledges to suche or the like places, yett if lawfull causes can

be alledged and proved againste them, the University is no waye prejudiced therby, but maye freely make her choise where she liketh best to her own contentation. And I am well assured, that as it belongeth to your honour to judge of our private dealinges only when they are propownded to the consideracion of the Universitie, so it apperteyneth as justely to every society, the master and fellowes thereof, by the direction of their visitours, when thei can not agree, to appoynte and order these matters themselves, which belonge unto them by statute. And therefore, my singuler good lorde, I moste humblie crave your lawfull favour, and that it maye please you not to hinder our private election, but suffer us to procede accordinge to our statutes; afterwarde, if it be my happe to be chosen privately in our colledge, I shall most willinglie submitt my selfe to your honour and the whole University, acceptinge in best parte what shall in suche wise be determyned either with me or agaynste me; and allwaies remayne your honours moste dutifull and daily oratour. And thus, cravinge pardon for my boldnes in my humblest manner, I committe your honour to the Lordes tuition in Jesu Christe, this xixth of June, 1582.

Your honours moste bounden,

Rychard Swale.

SIR CHRISTOPHER HATTON TO THE VISITORS.

[From MS. Lansd. no. 36, art. 36.]

14 Julii, 1582.—Copie of Mr. vice-chamberlaines lettres to the visitors of Gunvile and Caius Colledg, in the behalf of one Swayle.

To my verie worshipfull assured frendes, Mr. Doctor Norgate, Mr. D. Harvie, and Mr. D. Hatcher.

After my verie hartie commendacions; understandinge that the master and fellowes of Caius Colledge, in Cambridge,

have, by the consent and good likeinge of the greatest part of them, made choice of my servaunt Swayle, accordinge to the statutes of theire colledg, and partelie for his sufficiencie and greate forwardnes in vertue and learninge, as one of the meetest men amonge them, to supplie the place of proctershipp in the Universitie this next yere; and beinge crediblie enformed that, notwithstandinge all good order hath bene observed in that election, and nothinge done therein which hath not bene in all respectes agreable to the true meaninge of the statutes of that howse, there have bene some of the fellowes there which, either for ill will or other private regard, doe oppose them selves against it, intendinge to bringe the matter againe into question, which seemeth in it selfe so plaine and apparant as it needeth noe further consideracion. I have therefore thought good, in case it shall be further urged and referred unto yowe, whoe are the visitors appointed in this behalf, to commend the right of my servaunt in this case to youre good and lawfull favoures, desiringe yowe, that, as I wolde be loth, for my owne part, that anie man shold be hindred or injured by his advauncement otherwise then as the orders of that colledge shall justlie allowe of, so that yowe will be likewise pleased, the rather for my sake, to afford him indifferencie and justice, and not to suffer him wrongfullie to be trobled, or the late election to be frustrated or overthrowne, yf there appeare sufficient and good cause unto yowe to approve and confirme it. Which referringe to youre good consideracions, I bid you right hartelie farwell. From the court at Nonsuch, the 14th of July, 1582.

Your verie lovinge assured frende,

Chr. Hatton.

THE FELLOWS TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 39.]

Our dutyes unto your good lordship humbly remembred; we must nedes thankfully confesse how far and how depelye we ar bounden unto your honour for your honorable favour continually, since our grevaunces were first opened: but as our oppressions and injuryes do dayly increase, so our suites and petitions unto your lordship ar further inforced. For besides our extreme injuryes, and late intended expulsions, we ar more and more dayly molested and contemned, not only by the inferior schollers, for whom we have small redresse, but especially by Mr. Booth, their common instrument, who to our faces openly doth deride us, and some by name shamefully revileth, and offreth also further violence: the inferiour schollers, whom the statute otherwise ordereth, by the evill mayntenance of them that have the execution, will not do us so much as common reverence: the deanes, that have the government of the youth, ar resisted by them; and ar so farre from due correction, that being rescued one of another, the deanes themselves ar shamfully abused, buffeted, and beaten downe, and the schollers therin mayntayned and encouraged. But what shold we looke for order and obedience, emongst them whom your honour can not order? Your honours injunctions ar eluded, or altogether neglected; your late commandementes ar not regarded; for upon Tuesday last, being the xvijth of July, after the visitours had charged our president, in your honours name, no more to intermedle in the colledge matters, as he had lately done before, forthwith, by his absolute authority, he restored into commons and sising the same scholler whom one of the deanes had before put out for his open contempte and untolerable abusage, according to statute in that behalfe. On the Wednesday folowinge, thos felows which before were pretended

to be deprived, without cause or orderly proceeding, and now reystablished by the visitors, according to your honours letters, the president, and some other, notwithstanding, will not take and repute them so to be. We can not, neither may we, troble your lordship with every particular grevance; thes ar freshe, and the woundes yet bleedinge; and by thes and other contempts and extremityes, wherof your honour partely hath bene enformed heretofore, it is easye to judge that their is no dealing with thes men. May it please your honour, it is not the proctorship, or any private mans estate or comodytye, that we cheiflye regard: we cold be content, with all owr hartes, not only to leese our due preferment, but thos places also, which onlye we have to live bye, so that by our losse the whole howse might gayne some good, not for to day, but for hereafter; and surely we can not continew long together as we have done. Hitherto wee have bene content to beare the burthen, although of itselfe untolerable; yet for a tyme holden up, with hope of amendment. Now the full tyme is come, when both we ourselves can beare owt no longer, and your honour hath perfectly knowne the dealinges of thes men. If at this tyme the colledge be not happely delivered of them, it must needes be lefte of us: it is not a present restitution that can do us good, which is presently, and wilbe here after continually, quarreled withall. True and false religion, playne and deceytfull, just and injurious dealinge, may not long endure together. Godly peace, thorow evyll and uncharitable dealinge, is dayly disturbed; our myndes much disquieted; our studyes almost wholly neglected; that we were better live in any society than in such a colledge. We ar many, that are like to fayle, who have bene long and much molested, who have renounced our ordinary commodityes, and susteyned many injuryes; and all this to do good to the colledge: they ar but two cheiflye, by whom the youth of the howse hath bene corrupted, the better sort

abused, and the common treasure diminished. We have alwayes depended upon your honour, and ar hartely well content to stand to your lordships arbitrement. Notwithstanding the case we have agaynst them is very playne, and without scruple, and by statute *ipso facto* concerneth us all to call for execution, being injurious to the colledge, they have alwayes shunned, and, so far as they durst (and it semeth they dare enough), resisted your lordships authoritye, and seeke all meanes to delude the same. We leave it to your honours good consideration to deale with them and us as it shall seme best; and we humbly pray almighty God longe to mayntayne your honour in safetye, to the benefitt of the church and common wealthe. From Gunvile and Caius Colledge, the xviijth of Julye, 1582.

Your honours humble and most bounden,

Ry. Gerrard.	Tho. Hawes.
John Paman.	Michael Rabbett.
Paule Golde.	Thomas Howes.
Roger Browninge.	

[Endorsed.] 18 July, 1582.—The grevaunces that divers the fellowes of Gunvile and Caius Colledge do endure for their informations against the master and president.

THE VISITORS TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 40.]

To the right honorable our verye good lord, the lord treasurer, chancellour of the Universitie of Cambridge.

Our bounden dewties humbly remembred to your good lordship; where it pleased your honour, by your lettres of the xvjth of Aprill last, to remitt unto us, as visitours and superintendentes of Gunvile and Caius Colledge, certaine

matters concerning the government and order of the revenewes, and other cyvile causes of the said colledge (for the which wee, by the statutes of the howse, ar appointed visitours and superintendentes in cases of controversies not hable to be compounded within the colledge), to be by us reformed and remedyed, as upon hearing and examinacion wee should think requisite and expedient: as principally concerning theis fower poinctes, by your honours lettres expresslye and by name recomendyd unto us, viz. the encrease of the masters stipend; the charge layd upon the colledge for the masters contempt in not aunswering her majesties lettres; the chusing of officers and ministers of the colledge without consent of the fellowes; and the receipt of the revenewes and orderly perfytting of thaccomptes; wee would gladlye before this time have advertised your lordship of owr proceding, but that, by the absence and sicknes of some of us, conveniently wee could not, in which respect wee trust your lordship will hould us excused.

Uppon our meetinge together, wee have thus farr proceedyd touching the chusing of officers and ministers of the colledge, which semyd to us first to be ordred: wee have appointed the officers, with the lyking and contentacion of both parties; and for the minister, wee have sett downe ordre accordinge to their statutes, as also touchinge the makinge and orderly finisshinge of thaccomptes. For the x$^{li.}$ charge layd upon the colledge, wee desier yet a lyttle more respite, tyll wee maye see thaccomptes, which wee cannot have in the masters absence. For the increase of his stipend, as wee thinke, in respecte of the paynes and travaile D. Caius hath putt upon him in the statute *de incremento stipendii custodis*, he were wurthie of a greater reward and increase of stipend then the iiij$^{li.}$ xiij$^{s.}$ iiij$^{d.}$ ther limited; so, when wee consider herof by the letter and gramaticall sense of the statute, wee ar ledd to bee of opinion that he hath taken this increase before the time,

ante secundas locationes; and so is farther then the lettre of the statute will beare, as by the statutes maye appeare. Neverthelesse, the orderinge and moderacion herof wee leave unto your lordships wisdome and discreacion. And so, commending the same unto the tuicion of th'Almightie, wee cease further at this present to trouble your lordship. From Cambridge, the xviijth of Julie, 1582.

Your lordships bounden to comaund,

The visitours and superintendentes of Gonvyle and Caius College,

ROGER GOADE.
ROBERT NORGATE.
HENR. HERVY.
JOHN HATCHER.

DR. GOADE TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 41.]

To the right honorable our verye good lord, the lord treasurer, chancellor of the Universitie of Cambridge.

MY humble and bounden dutye unto your good lordship remembred; as with others the visitours of Gonvyle and Caius College, I have joyned in certefying your lordship by our lettres what is done touching the matters commytted unto us by your lordship, so I thought it my particuler dutye at this present to wryte unto your lordship uppon theis late occasions. What hath ben done and what successe ther is of your lordships late lettres to Mr. vice-chancellor I need not wryte; for that the vice-chancellor, as I suppose, hath fullye certefyed your honor of the whole manner of dealing, wheruppon your lordship can easely see and judge therof, the former informacion wheruppon your lordships lettre was groundyd being now uppon deposicions as we thinke justifyed to be trew, and so thelection disor-

dred and unlawfull; yet (which is most straunge, and for my parte hath ben and is no small greef unto mee to see,) so could and faynt joyninge with the vice-chancellor in this cause of your lordships, as sufficient voyces of the more parte could not be gotten to conclude according to the Universite statute for the reversing of that pretended election, but that a stronge partaking and secreat faction is like still to carye the matter, unlesse your lordships wisdome provide some speedye remedye both for this present mischief, and for other daungerous diseases wherof the Universitie (as your honor by theis dealinges maye partelye see) dothe manifestlye labor over longe, and not convenient here to be mentionyd, which, if yt please God, by your honors meanes maye in tyme be healped; in the meane while prayers and patience. Wheras in the commen lettre subscribed with the handes of the visitores and superintendent, touching thencrease of the masters stipend, wherof wee have sett downe our opinion that it is more then the statute will beare, I thought also to advertise your lordship that it is sparingly and very favorably putt down, otherwise it would not have ben consented unto under all our handes; neaverthelesse, in myne opinion, it is sufficient to convince the master to have taken yt unlawfully and against statute, he being sworn to the gramaticall sence, and so, *ipso facto*, is within the daunger of the statute 83, *ne sit commune proprium*. The time when he is appointed to enjoye that encrease is *in secundis locationibus*, which ar not yet come; and the master hath taken neere xl^li^ by coolour of the sayd increase *statuto* 37, *de incremento*. The reason whie the founder would not have the increase taken *ante secundas locationes* was, because the college then should bee better hable to beare that and such lyke charges, as increase of the fellowes lyveryes and number of schollershipps, as appeareth *statuto* 40 *et* 108, which charges ar not yet layd upon the college, because *secundæ*

locationes ar not yet come, and no more ought this increase of stipend. The copye of which severall statutes I have thought good herewith to send unto your lordship, that ye maye see the ground of our opinions concurring (as wee understand) with the former judgement of sir Walter Myldmay and doctor Hamon. And thus, being loth to be over tedious unto your honour, with my prayer for the blessinges of God to be dayly contynued and multiplyed upon your lordship, I comend the same to the Lord Allmightie. From Cambridge, this xviijth of Julye, 1582.

Your lordships bounden allwayes to comaund,

ROGER GOADE.

(ENCLOSURE.)

Stat. 6.

Jurabis per Deum omnipotentem et sancta Dei evangelia, te pro viribus curaturum ut omnia statuta collegii per reverendum patrem et Johannem Caium ordinata et durante vita hujus naturali ordinanda, pro sensu grammaticali usu communi recepto, sine ullo fuco aut dolo, observentur, etiam severius in licentiosos. Ad postremum jurabis quod omnia et singula collegii negotia in rem ejusdem fideliter diligiterque transiges aut transigi procurabis, et ne collegii bona dissipentur, neve in privatum tuum aut cujusquam usum convertantur, curiosius circumspicies et prohibebis; ita te Deus adjuvet et sancta Dei evangelia.

Stat. 83. Ne sit commune proprium.

Statuimus et ordinamus, ne quis custos, socius, aut alius nostri collegii ex communi faciat proprium, sub pœna perjurii et deprivationis ab omni collegii beneficio ipso facto, et restituendi in integrum quibuslibet modis quod abstulerit.

Stat. 37. De incremento stipendii custodis.

Volumus etiam, ut post mortem nostram custos habeat in incrementum stipendii sui, in splendorem officii et diligentiam suam in promovendis bonis literis, conservandis collegii bonis, perlustrandis collegii possessionibus, observandis exequendisque statutis, quatuor libras tredecim solidos et quatuor denarios, ex perquisitis curiarum maneriorum nostrorum de Crokesley et Snelleshall Roughton et

Burnham Thorpe, in secundis locationibus, quæ tunc nostro collegio dedimus in perpetuam eleemosynam, sic ut totum stipendium a prioribus fundatoribus et nobis concessum decem librarum sit. Si quid aut ex perquisitis ultra quatuor libras tredecim solidos et quatuor denarios superfuerit, id totum in usus collegii cedat.

Stat. 40. De veste solenni et liberatura.

At ubi fructus seu proventus annus prædiorum nostrorum increverint seu majores fuerint, finitis, viz. præsentibus locationibus, elargamur unicuique nostrorum sociorum in artibus magistrorum viginti sex solidos et octo denarios, baccalaureorum unicuique viginti solidos, et scholasticorum unicuique tredecim solidos et quatuor denarios, ad vestem solennem emendam, etc.

Stat. 109. In fine.

Memorandum, quod durante prima locatione maneriorum de Roughton et Crokesley, erunt tantum tres socii et duodecim scholares nostræ peculiaris fundationis; post vero secundam dimissionem auctis reditibus alantur tres socii et viginti scholares.

Concordat cum libro statutorum. Ita testor,
ROGERUS GOADE.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 42.]

To the right honorable the lord Burghley, lord treasurer of Englande, and chauncelor of the Universitie of Cambridge.

MY dutie in most humble wiese remembred unto your lordship; pleaseth it your honour to understand that your letter of the 4th of this Auguste I receaved the ixth of the same, at my parsonage in Suffolke; whither I was drawen by occasion that God had taken away one of my children; and my wyfe, opprest with sorowe and sicknes, had the seconde time sent for me; whoe nowe beinge somewhat recomforted and recovered, I hope shortelie by Godes grace to returne to th' Universitie. Your honours letter conteineth twoe speciall matters; the complainte of Swale, and the deniall of Boothe. Touchinge the former, it is verie un-

juste that they could never be harde to allege what they could saye for their defence, for they never offered before me and the heades to alleage any thinge; neither were they denied the hearinge of any thinge they would saye. But contrariewiese, when upon your honours former lettres for disannullinge of Swales nominacion, they were called before me and the heades, Mr. Swale speciallie made daingerous (pretendinge his othe) to awnswere before anie foraine judges concerninge any thinge done within their college. The next daye of appearaunce (against which daye Doctor Legg was cited), when examinacion was taken for th'other partie, they alleged nothinge. The third daye, when Mr. Skinner was presented with your honours seconde letters, accordinge to which we pronounced the nominacion void, Mr. Sale was absente. But the next morning, when he made his appeale, he pretended that our sentence was not just, because noe witnes one his parte was examined, nothinge for his parte hard, nothing alleaged; uppon which last word (I remember well) I toke occasion to replie, that seinge nothinge by him was alleaged, it was his owne defaulte that nothinge for his parte was harde, noe witnes examined, etc.; and soe the sentence, *ex allegatis et probatis*, was sufficient and juste. Now touchinge the deniall of Boothe of such speches as he uttered to me concerninge your honours continuance in the office of chauncelour, the truthe is, he spake soe much as I did write it to Mr. Skinner unto me alone, in the utter chamber of my lodginge, one Saturdaye, beinge the xxviijth of Julie, aboute fyve of the clocke in the afternoon, foure or five houres after the proctors had bene with me to inhibite me from proceedinge in this cause; what time they shewed me a letter of procuration from Swale to Booth with his appeale. The talke that induced those speeches of Boothe was of the unlawfulnes of his appeale from the vice-chauncelour and the heades, because they that should be delegates must of necessitie, by the statute, be

fewer in number, and were likelie to be inferior in callinge and other qualities unto them. Whereto Boothe replied, that manie thinges were done and tollerated by the heades, whereof they could make noe good accompte yf they were charged; as for example (quoth he), yf anie man did objecte unto yow, that you have suffered my lord to continew chauncelour this xx^{tye} yeres, contrarie to the statute, how could you awnswer your othe, there hathe bene noe election of the chauncelour this xx^{tye} yeres? Nor shalbe, I hope, this xx^{tie} yeres more (quoth I), yf God spare my lord treasurers lyf soe longe. But yow are bounde (sayth Boothe) to signifie unto the Universitie, at everie twoe yeres ende, the vacation of the office; how can yow awnswer your othe, that yow have not done yt? Yf any man doe objecte the same unto us orderlye (sayd I), we will consider howe to awnswere him. This was the effect, and, as nere as I cann remember, the forme of wordes he used in utteringe those speches repeated by him more then once or twise, as I am ready to depose. Thus, cravinge pardon of your honour for mine absence, and for my rude writinge, I committ your honour to the tuicion of almightie God. From Denington, in Suffolke, this ixth of August.

Your honours most humble to comande
in the Lorde,

William Fulke.

LORD BURGHLEY TO THE VICE-CHANCELLOR.

[From MS. Lansd. no. 102, art. 107.]

28 Aug. 1582. Minute of the chancellours lettre to the vice-chancelour of Cambridge, remitting the offences of Swale and Boothe done to him upon their acknowledgment.

After my verie heartie commendacions: after the writing of my lettres a fewe daies past to youe, concerning the

case of Gunvile and Caius Colledg, both for the proctorship sought for by Mr. Swale, and for the rash actions of Boothe, I received two severall writings from them both; wherof Swale browght to mee his owne, and spake with mee; the other was sent to mee from Boothe, with whome I spake not. But theie both semed verie sorrie, as their wordes and writings doth expresse, to have anie wise offended mee; and semed to yeld to content mee: so as, although I did not seme to yeld to either of them my favour and goodwill, as before theare offences I did, yet I am moved in Christian charitie, and for love of learning, spetiallie in Mr. Swale, and of compassion towardes Boothe, being but poore, to remitt all theire offences committed against mee privatlie; and, as farforth as neither the University nor the colledg take hurt, and also that the course of the ghospell by theire actions be not hindred, I wishe them also for theire offences to my authoritie as chancelour to be charitablie reformed by instruction rather then by correction; for as I was for conscience offended with theire slight manner of dealinges, so in conscience uppon theire submission I am moved to remitt all that is passed; praieng yowe, as yowe shall find them disposed to alter theire former courses, so to lett them knowe that muche of my mind; wisshing to them noe worse good fortune than I would to anie of mine owne. In which mind I shall continue as long as I shall find them quietlie disposed, and to hold sum better course then in my opinion they have done. And to conclude, I referr the whole to the consideracion of yowe, as vice-chancellour, and to the rest of the heades and doctours theare; praieng yowe to advertise mee of your proceedinges with thes two persons, that I maie also conforme my self to hold the same course with them, if theie shall hereafter make further sute to me.

From the court at Otelandes, the 28 of August, 1582.

INTERPRETATION OF A STATUTE.

Sept. 18°, 1582. De secunda nominatione procuratorum, etc.

Doctor Wm. Fulk, S. T. P. almæ Universitatis Cantabrigiensis procancellarius, doctores Bell, Goad, Howland, Norgate, Tyndall, Harvey, Bing, Legg, et magister Nevile, interpretati sunt verba, *post vacationem* in capite 40° *de electione lectorum, etc.*, debere intelligi tam post vacationem alicujus officii, quam post vacationem nominationis ad aliquod officium vel munus in academia gerendum: verbi causa, si aliquod collegium præsentaverit aliquem ad officium procuratoris, et is post primum diem Augusti et ante decimum Octobris vel decesserit, aut munus recusaverit, aut minus idoneus reperietur, tunc ejus nominatio ad præfectos collegiorum spectabit, ut illi punctis suis duos Universitati proponant. Idem decretum fuit pro electione scrutatorum et taxatorum, licet prædicta officia vacua non existant ante decimum Octobris.

THE FELLOWS OF ST. JOHN'S COLLEGE TO LORD BURGHLEY.

[From MS. Lansd. no. 36, art. 46.]

Honoratissimo viro, domino de Bourghley, summo Angliæ thesaurario, academiæ Cantabrigiensis cancellario, et patrono nostro dignissimo.

In summas angustias detrusi (honoratissime Cecili), arceri ab amplitudine tua interpellanda, nec tua ægritudine (quam lugemus) nec negotiis quibuscunque possumus. Omnem pudorem pellit necessitas. E collegio nostro totius pæne academiæ consensu procuratorum alter in sequentem annum assumeretur, si serenissimæ reginæ imperium non intervenisset. Sed regiis literis jam factum est, ut et nos de ea spe decidamus, et tota academia e Trinitatis Col-

legio utrumque hoc anno procuratorem exire lugeat. Illa regineam majestatem deprecata est: nos honorem tuum (ut solemus) nostri justi doloris participem facimus. Cætera omnia ab alumnis his nostris fusius amplitudini tuæ exponentur. Quidquid nostræ apud honorem tuum preces impetraverint, non minus id toti academiæ quam nobis gratum fore intelliges. Deus optimus maximus amplitudinem tuam quam diutissime servet incolumem. E collegio nostro D. Joannis Evangelistæ, Cant. viii. Idus Octobris, anno Domini 1582.

Amplitudinis tuæ studiosissimi,

Richardus Howland. Jacobus Hill.
Robertus Rodes. Johannes Fawcett.
Abel Smithe. Laurentius Stanton.
Andreas Downes. Robertus Bouth.
Daniel Munsay.

INTERPRETATION OF A STATUTE.

March 4, 1582.

D. Joh. Bell, sacræ theologiæ professor, almæ Universitatis Cantabrigiensis procancellarius, doctores Perne, Harvy, Norgate, Bing, Legge, et magistri Banvell et Nevile, interpretati sunt illam particulam sive clausulam capitis 21 stat. viz. *Decernimus ut nulla gratia quæ proponitur in scholis dispensationem habeat quamcunque, et si secus fiat, gratiam illam irritam et inanem esse volumus*, intelligendam esse de indigenis et incolis, et non de alienigenis et peregrinis; super qua interpretatione consenserunt dispensare cum Francisco Gomaro Brugensi, ut cooptaretur in ordinem baccalaurei artium in ultimo actu sive determinatione hujus anni, et ut possit ascendere ad gradum magisterii in artibus proxime sequentibus comitiis, peractis prius

et ante ejus admissionem omnibus et singulis formis et exercitiis quæ ad utrumque gradum respective requiruntur.

[Int. Stat. p. 328.—Copies of charters and statutes in Univ. arch. p. 274.]

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 40, art. 15.]

To the right honorable the lord treasurer of England, and most loving chauncelor of the Universitie of Cambridge.

Our humble duties to your honour remembered: whereas we understande by your honours lettres that certaine of the company of the stationers in London have sought to hinder the erecting of a print within this University of Cambridge, and to impugne the auntient privilege graunted and confirmed by divers princes for that purpose, to the greate benefitt of the Universitie and advauncement of learning. Theise are in most humble manner to desire your honour, not so much in respect of Mr. Thomas, (who hath alredy receaved greate injurie and damage at theire handes,) as in the behalf of the Universitie, (which findeth yt self very much agreved with the wrongfull detayninge of those goodes, wherewithall as we are persuaded in right and equity they ought not to meddle,) to continue our honorable patron, and to direct your favorable warrant to the wardeynes of the stationers, that he may have his presse delivered with speede, least that by theire meanes, as he hath bene disapoynted of Mr. Whittakers his booke, so by theire delayes he be prevented of other bookes made within the University, and now redy for the presse. As for the dowbtes which they cast, (rather in respect of theire private gaine and commodity, and to bringe the Universitys more auncient priviledges in this behalf then theirs under theire

jurisdiccion at London, then for any other good consideracion, the decidinge or perrill whereof also pertaineth not to them), we dare undertake in the behalf of Mr. Thomas, whome we know to be a very godly and honest man, that the presse shall not be abused eyther in publishinge thinges prohibited, or otherwise inconvenient for the churche and state of this realme. And this we promisse the rather for that his grace (whereof we have sent a coppy to your honour by him self) was graunted unto him uppon condicion that he shoulde stande bounde from tyme to tyme to such articles as your honour and the greatest part of the heades of colledges shoulde tye him unto. And for the conference whereunto your honour moveth us, yf yt shalbe your honours pleasure, we, as desirous of peace and concorde (the premisses considered), shalbe ready to shewe our willingnes thereunto, yf yt shall please the company of stationers in London to sende hither some certaine menne from them with sufficient authority for that purpose. Thus, most humbly desiringe that his presse may no longer be stayde, and hopinge that your honour will furder our desire hearein, we do in our dayly prayers commend your lordshippe to the blessed tuicion of the Almighty. From Cambridge, this 14 of June.

Your lordshippes most bounde,

Jhon Bell, vice-chancellor.	Edmund Barwell.
Andrew Pern.	Robert Norgate.
William Fulke.	Edmund Hownd.
John Still.	Thomas Nevile.
Tho. Legg.	

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 39, art. 7.]

To the right honorable our speciall good lord, the lord treasurer of England and chancelor of the Universitie of Cambridge.

Right honorable, althoughe we have greate cause to presume of your lordships verie honorable favoure towardes all such of our bodie as beinge broughte before your lordship shall anie waie appeare to be privileged by her majesties goodnes towardes us, concerninge the hearinge of any cause broughte in controversie, and mighte therefore geve such order unto this bearer, Mr. Hodilowe, concerninge a request he hath made to us for our lettres unto your lordship in his behalf, touchinge a matter lately called into the Starchamber, by vertue of her majesties writte to that end and purpose; yet fyndinge great cause in some speciall sorte to favour the good disposicion of such as we have allwaies found verie good members amongest us, geven to the nourishinge of amitie and quietnes, so it is that, in theise respectes, we cannot but thincke it our partes verie humblie to crave that we maie be the boulder by theise our lettres to commend this said bearer unto your lordship, as one of whom we are in many good respectes verie well perswaded: havinge this onelie to request your good lordship, that if the cause do not otherwyse concerne him then is supposed, in respecte of a froward sonne in lawe, at whose handes he hath found greate unkindnes in matters of smale momente, as some of us are able to saie of our particuler knowledge, maie it please your good lordship, the rather at our request, so farr to favour him as, if it maye appeare the cause had here beginninge, it maie also have here such endinge as we dare undertake shall every waie stand with equitie on booth parts; as knoweth the Almightie, in whom we wishe

your lordship longe happie healthe, with encrease of honoure. Cambridge, this second of November, 1583.

Your lordships humblie to be commanded,

Jhon Bell, vice-chan.	Thomas Nevile.
Andrew Pern.	Tho. Byng.
William Fulke.	Henr. Hervy.
Roger Goade.	Thomas Legge.
Richardus Howland.	Edmund Barwell.
Robert Norgate.	

GRACE OF THE SENATE.

Maii 9, 1584. De gratiis supposititiis.

Conceditur 9 Maii, cum per statuta vestra prudenter cautum sit, singulos in viginti solidis mulctandos qui alicui gratiæ subscripserint, quam candidati postea grato animo non acceptaverunt; et quidam huic legi, in expilationem ærarii publici, et academiæ manifestum scandalum, per petitiones supposititias fraudem facere moliuntur: placet vobis, ut, dictis statutis in suo robore perpetuo manentibus, hujusmodi clandestinæ petitiones vestro suffragio et auctoritate irritæ et pro nullis habeantur, et hujusmodi subscriptores ad debitæ mulctæ solutionem astringantur.

THE PRIVY COUNCIL TO THE VICE-CHANCELLOR AND MAYOR OF CAMBRIDGE.

[From MS. Harl. no. 7041, p. 159.]

After our very hartye commendations: wheras we are geven to understand, that diverse of thinhabitants of the

town of Cambridge, seekinge their owne private gain, with the publick hurt and incommoditye of the whole Universitye and towne, have hertofore accustomed to buyld and erect howses upon sundry spare grounds in and about the said towne, but of late, and at this present specially, they doe not onely increase and continue the same, but doe more usually devide one howse into many small tenements, and those for the most parte to let and hier out to the meanest and poorest persones; which tenements (not fit, for the rudenes and straightnes of them, to harbour any other then of the poorest sort) are a meanes (as we are enformed) wherby the Universitye and the towne are overcharged in yearly allowance towards the maintenance of the poore, and that inconvenience not unlyke to be accompanyed with a further mischief and danger, yf any plage or other infection should happen within the town, by reason that so many poore people are so narrowlye and so unwholsomelye thrust and thronged together in diverse places. For redress wherof we thinke yt mete, that yow, the vicechancellor and the maior for the tyme being, with the assistance of the rest of the principall and discretest persones and officers of thuniversitye and towne, do immediatelye, upon receipt herof, cause spedy and diligent enquiry to be made what numbre of tenements have bene erected within the liberties of the Universitye and towne, and how many of them, or of any other howses formerlye buylt, have bene and are devyded into tenements, within the compass of ten yeares last past, and what numbers of inmats are bestowed and do inhabit in them and every of them; that therupon yow may consider how thinconvenience and danger feared may be prevented. And therupon, by vertue herof, yow shall take present order for the changing and altering of the said howses and tenements, and removing of such and so many of the said inmats as by yow, with regard to the weale and safety of the said

University and town, shall be thought expedient; which being drawn to such a mete proportion as yow in your discretions shall thinke fit to be allowed, yow shall, from tyme to tyme herafter, forsee that the same be so continued, and the like disorder not suffered again to crepe in among yow, wherof we require yow to have a vigilant care. And yf any person or persones, to whome any of the howses and tenements, which by authoritye of these our lettres yow shall endeavor to reforme, do apperteyne, shall refuse to obey such ordre as yow shall take in that behalf, of those and every of them yow shall take bond in good summes of money to her majesties use, for their personall appearance before us, to answere their contempt. And so, not doubting but yow will so use the authority herby granted unto yow, as in thexecution therof none shall have just cause to complain of wronge or partiall dealinge to be in this cause offered unto them, but that yow will procede to the reformation of the disorders with uprightness and indifferency, we bid yow hartely farewell. From the court at Richmond, the 8th of June, 1584.

Your loving frends,

THO. BROMLEY, canc. J. CROFTE.
W. BURGHLYE. CHR. HATTON.
E. LINCOLN. E. WALSINGHAM.
CH. HOWARD.

BREACH OF THE UNIVERSITY PRIVILEGES,

RELATING TO THE SALE OF WINES.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 42, art. 51.]

Honoratissimo domino, domino de Burghley, summo thesaurario totius Angliæ, et academiæ Cantabrigiensis cancellario dignissimo.

Biennio fere abhinc (honoratissime Burghleiensis) gravem ac vehementem sane suspicionem ad honorem tuum attulimus de oppidanorum injuriis, qui cum rerum nostrarum non levi detrimento id acerrime moliebantur, ut e suo quoque corpore certos quosdam vinarios constituerent. Quorum iniquissimum conatum irritum factum, nostrumque timorem omnem summo tuo consilio sublatum fuisse, tum libenter sensimus, multoque nunc libentius grata memoria recordamur. Sed illorum temporum fumus, novas subinde vires colligens, in recentem flammam erupit, et quæ tum impendentia mala metuere cœpimus, eadem nunc præsentia quoquo modo possimus propulsare cogimur. Exstitit enim nuper apud nos unus ex oppidanis, nomine Keimerus, qui per ornatissimum virum Gualterum Ralæum vini vendendi licentiam infra villam Cantabrigiensem adeptus, sperat se tanti viri tam eximia felicitate ad nostrum incommodum abuti posse. Quod igitur ante a te contendimus (honoratissime Burghleiensis) ut illo tum privilegio gaudentem dominum Edovardum Horseium a tali instituto averteres, id nunc ab honore tuo multo instantius petimus ut idem in ornatissimo Ralæo inflectendo facias: quem (pro illa qua est generosa indole) tuo præsertim rogatu confidimus adduci posse, ne plus uni privato viro quam toti academiæ gratificetur. Quod si talibus incœptis arx ipsa libertatum nostrarum non plane peteretur, esset tamen videndum (ne quemadmodum in literis fieri solet) ut uno absurdo dato

infinita sequantur: sic multo magis in republica ex unius levioris peccati exemplo ad gravissima quæque aditus patefiat. Quæ tu per teipsum pro singulari tua prudentia (amplissime Burghleiensis) multo sapientius potes expendere, et pro illo constantissimo amore quo semper academiam tuam complexus es, aderis nobis in hoc tempore difficillimo, neque causam hanc nostram desertam esse patiere, præsertim si consideres aulicorum hominum in impetrando gratiam, oppidanorum in petendo pertinaciam, nostram in defendendo sine tuo patrocinio solitudinem. Deus optimus maximus amplitudinem tuam nobis reique publicæ diutissime servet incolumem. Cantabrigiæ, Idibus Junii, 1584.

Honoris tui studiosissimi,

Procancellarius et reliqui præfecti collegiorum,

Richardus Howland, procan.
Tho. Byng.
Umphry Tyndall.
Gulielmus Fulke.
Johannes Bell.
Rogerus Goade.
Henr. Hervy.
Robertus Norgate.
Thomas Legge.

THE HEADS TO THE EARL OF LEICESTER.

[From MS. Lansd. no. 42, art. 53.]

Junii, 1584.—Heades of the University of Cambridge to the earl of Leycester.

Facit excellens tua bonitas (nobilissime comes), quam sæpe in multorum periculis arcendis expromsisti, ut nos quoque alumni tui deditissimi, in aliquas jampridem angustias conjecti, audacius ab honore tuo opem auxiliumque petamus, quam officii nostri ratio patiatur. Tametsi enim non ignoramus, quin gravioribus regni negotiis impeditus sis, quam ut nostris rebus tuendis vacare possis, tamen cum nihil tibi fortuna majus dederit quam ut possis, nec natura melius quam ut velis prodesse quamplurimis, minus moles-

tam tibi fore speramus petitionem hanc nostram justam ac plane necessariam. Cognosce igitur (nobilissime comes) quendam ex oppidanis nostris turbulentum hominem nomine Keimerum, (qui ab ornatissimo viro Gualtero Ralæo vini vendendi licentiam infra villam Cantabrigiensem consequutus est) magnum privilegiis nostris detrimentum allaturum, nisi tua summa ac salutaris virtus opportune intercedat. Longum iteresset ad omnia quæ pro partium nostrarum defensione afferri possunt, neque honorem tuum tam prolixa narratione teneri æquum est; solum hoc pro certo affirmamus, privilegia nostra jam inde a Richardo Secundo nobis indulta, id spectare, ne quis apud nos vinarius nisi e nostra sola auctoritate constituatur. Ac his de rebus ornatissimum Ralæum per literas admonendum curavimus, quas ille pro singulari humanitate sua in meliorem partem interpretatus est, neque se omnino a petitione nostra alienum esse ostendit; sed multo posthac propensiorem fore confidimus, si tuus præclarissimus hortatus adjungatur. Quamobrem (nobilissime comes) quanta cum humilitate fieri potest ab honore tuo contendimus, ut causam hanc nostram agas apud ornatissimum Ralæum; multoque sane vehementius peterimus, nisi te satis perspiceremus tanquam ad beneficentiam natum, nulla alia re magis quam juvandis literis delectari. Deus optimus maximus amplitudinem tuam nobis reique publicæ diutissime servet incolumem. Cantabrigiæ, septimo Kalend. Quintilis, 1584.

Honoris tui studiosissimi,

Procancellarius et reliqui præfecti collegiorum.

ARCHBISHOP WHITGIFT TO LORD BURGHLEY.

[From MS. Lansd. no. 42, art. 45.]

To the right honorable my singular good lord, the lord Burghley, lord treasurer of England.

My singuler good lord, I most hartelie thangk you for your great care in these matters of the church, and for your unfayned and most constant frendship towards my self. Ever sens I hard that they had a printer in Chambridg I dyd greatlie feare that this and such like inconveniences wold follow; nether do I thingk that yt wyll so stay: for allthowgh Mr. vice-chancellor that now ys be a verie carefull man, and in all respects greatlie to be commended, yet yt may fawle owt hereafter that some such as shall succeade hym wyll not be so well affected, nor have such care for the publike peace of the church and of the state. But whatsoever your lordship shall thingk good to be done in this matter, or wyll have me to signifie to Mr. vice-chauncellor, ether in your name or in my owne, yf yt shal please you to signifye the same to Mr. dene of Westminster, or otherwise, I wyll performe yt accordinglie. I thingk yt verie convenient that the bokes shold be burned, beeng veri factious, and full of untruthes; and that (yf printing do styll there continew) sufficient bondes with suerties shold be taken of the printer not to print anie bokes, unlesse they be first allowed by lawfull authoritie; for yf restrante be made here, and libertie graunted there, what good can be done? The boke ys the same which Travers ys supposed to have sett forth in Laten, without anie addition or detraction. The complante of the bishops hard dealinges ys altogether without cause: they offend rather, the most of them, on the contrarie part. D. Bickley hath delt with my kinsman evne as I wold wisch; for thowgh he be a good scholer, and as I hope not affected that way

further then to please my lord of London, and to pick some occation to leave that living whereunto he hath no phansie at all, yet ys he infected with the disease of this tyme, that ys, with popularitie and vaine glorie; and this wyll be a good scholing for hym. He ys of my owne bringing up, and whatsoever he hath, he hath yt by my meanes; and therefore I dowt not but that he wyll be ruled and advised by me. In dede, I urged hym against hys wyll to take that place to please my lord of Leicester; but I do now repent me thereof: yet ys he not in possession of yt, nether meaneth to be, unlesse my lord provide some other living for hym, for hys better maintenans there. The bishop of Chester writ unto me of late; in whose letters a litle paper was inclosed, the copie wherof I have here sent to your lordship; you know whome he meaneth, but yt moveth me not: he can do no more then God will permytt hym. Yt ys strange to understand what devices hath bene used to move me to be at some mens beck; the particularities whereof I wyll one day declare to your lordship; but *Dominus illuminatio mea et salus mea, quem timebo?* I beseech your lordship, be not you discomforted; the cause is good, and these complantes are vaine and withowt cause, as yt wyll appeare when they shal discend to particularities; and dowt you not but that D. Bickley in this action hath done both wiselie and lawfullie. I wold to God yt wold please her majestie to place hym, and such as he ys, in the romes now vacant. I beseech your lordship to burne or teare this letter. And so, with my hartie prayers to God for you, I commit you to hys tuition. Frome Croydon, the last of June, 1584.

To your lordship most bownd,

Jo. Cantuar.

THE EARL OF BEDFORD TO LORD BURGHLEY.

[From MS. Lansd. no. 42, art. 37.]

To the right honowrable my verie good lord, the lord Burgheley, lord treasurer of Englande.

My verie good lord; whereas this bearer, Mr. doctor Browninge, having to exhibite to her majestie a supplication touchinge D. Stilles hard dealinge in removinge him from his fellowship in Trinitie Colledge in Cambridge, th'only preferrement he had to depend upon, in his said humble peticion he beseecheth her highenes, that the hearinge of his cause may be remitted to my lord of Canterburie and unto your good lordship, havinge intimated the particularitie of his said cause to his grace, findeth him his favorable good lord, as he hathe heretofore founde your lordship touchinge the originall of this his trowble; to whose relacion I dowbt not but your lordship will vouchsafe to give eare, and to suspend your opinion till you shall indifferently heare bothe parties; upon th'extenuation whereof, I referre the determininge (as the goodnes thereof in equitie may seeme to deserve) to your lordships good consideracion. And even thus I bid your good lordship righte hartely farewell. From Bedford Howse, the vjth of October, 1584.

Your lordships most assured,
Bond so to be,

F. Bedford.

Postcript. Havinge had my self good experience of his sufficiency in the sounde prechinge of the trueth, and of his godly conversacion in my owne familie, I have the rather thought good to recommende the more earnestly his cause to your lordship.

Lord treasurer.

DR. STILL TO LORD BURGHLEY.

[From MS. Lansd. no. 42, art. 65.]

Honoratissimo viro ac domino, domino de Burghley, summo totius Angliæ thesaurario, et academiæ Cantabrigiensis cancellario dignissimo.

Quales paulo ante fuimus (honoratissime Burghleiensis) in imploranda bonitate tua, tales nunc in eadem agnoscenda prædicandaque summo jure esse debemus. Contendimus enim ab honore tuo quam potuimus vehementer, ut insolentiam doctoris Browningi auctoritate tua frangeres, partesque nostras ageres in regineæ majestatis postulatione lenienda: quorum utrumque per te unum sic amplissime sumus adepti, ut magnum fructum præclarissimi cancellariatus tui ceperimus, nosque de hoc duplici tuo beneficio in perpetuum tibi devinctos fateamur. Et quod in tanta lætitia non modo non sperare, sed vix optare ausi sumus, ut fons et caput Browningianæ pertinaciæ Bolandus justo ac debito supplicio plecteretur, id nuper singulari tua prudentia tam oportune factum accepimus, ut nihil præterea desiderare possimus. Cujus tamen in flagitio suo pejerando sceleratam audaciam audientes, non miramur (honoratissime vir), sed plane obstupescimus, nec tale portentum hominis exstitisse putabamus, qui in summo maleficio manifesto deprehensus, multorum convictus testimoniis, et quod maximum est, sua et propria confessione condemnatus, tanti viri judicio et gravitati tam impudenter illuderet. Quo magis ab honore tuo petimus (nobilissime Burghleiensis), ut nefarium Bolandi stuprum, cum scelestissimo perjurio conjunctum, quam acerrime vindices, et illius impunitate existimes lusam auctoritatem tuam, læsam collegii nostri dignitatem, laxatam improbis viris peccandi libidinem qui nulla re magis quam judicum mollibus sententiis ad perniciem reipublicæ nutriuntur. Quanquam summam tuam

curam in collegii nostri dignitate utilitateque procuranda, cum semper antehac, tum nuper in proximis hisce causis abunde sumus experti, nec de singulari tua justitia (cujus recta administratione totum Angliæ regnum per multos annos floruerit) dubitare possumus, tantum hoc admonemus (honoratissime vir), cæteris tuis in collegium nostrum præclaris meritis una Bolandi pœna cumulum longe maximum accessurum. Deus optimus maximus amplitudinem tuam nobis reique publicæ diutissime servet incolumem. Cantabrigiæ, ij° Idus Novembris, 1584.

Honori tuo deditissimi,

Johannes Still.	Anthony Wingfeld.
Leonardus Chambers.	Jo. Duck.
Henr. Wayland.	John Bill.
Jeremy Radcliffe.	John Chapman.

ARTICLES DISPUTED WITH THE TOWN.

[From MS. Lansd. no. 42, art. 66.]

Septimo Decembris, 27^mo^ Eliz. R^næ^.—A note of matters not yet finished and concluded betwene the Unyversety and towne of Camebridg.

Fo. 11° linea 11^a^, et fo. 14^to^ lin. 9^a^ et 12^a^.—Common ministers.

Yt was promised on the behalf of the Unyversety, that the interpretacion of common ministers should in their Latine booke be made agreable to the articles in English subscribed by the lordes, which is not yet done; but when it shalbe done, will well content the towne.

Fo. 9° linea 6^ta^.—Graduates.

The demaund of the Unyversety is unreasonable, to have all graduates in England to goe toll free: but the

towne assentith as they ment it at the first, that all graduates for lerninges sake abyding in the Unyversety or towne shall goe toll free.

Fo. 14[to] linea 18[a].—Beadells reteyned servants, *verbo* gardiners.

The towne hath alredy assentid, that the Unyversety shall have many retayned servauntes more then they might have had before; but that squyre beadelles should eche of them have one reteyned servaunt priviledged (being them selves but servauntes), the towne thinkith it inconvenient; and neither did, nor yet doth, assent therunto. For all other matters concerning bothe bookes, bothe parties are agreed; so as that be perfourmed which hath bene concluded in former conferences.

DISPUTE RELATING TO THE SALE OF WINES.

REPORT FROM THE VICE-CHANCELLOR.

[From MS. Lansd. no. 43, art. 42.]

Advertismentes from Mr. D. Norgat, vice-chauncellour of Cambrige, concerninge the manner of his proceadinge with Keymer, a newe vyntner ther.

Upon advyce taken with our learned councell concernynge the restraynynge of Keymer for the sellinge of wyne, I did firste sende the proctours of the Unyversitie to requyre him from me to give over to sell wyne any longer, for that it was prejudicyall to the priveledges given us by her majestie, and therefore not to be suffered by us; and to take downe his signe; with this further notice, that if he thoughte himself wronged therein, wee wold be ready to joyne with him in the ordynarye tryall of that matter, accordinge to the lawes of this realme.

Whereupon it was answered by Keymer, that he had sufficyent righte and auethorytie to sell wyne as he did, and wold not therefore be inhibyted by Mr. vice-chauncellour.

Upon intelligence of his refusall to yeild himself, aswell unto my offer as unto my commaundment therin, I did, on the morrowe nexte, sende the proctours, with Standishe the beadell, firste to requyre him to pull downe his signe himself, and upon his refusall, to cause the beadell to take it downe. Wherein they offered so to have done, but were so resisted by Keymer, that they could not procede therein without danger to their persons: whereupon they retorned, without any further attempte therin.

Upon the morrowe followinge, the proctours, with the beadell only, and their servantes, by my appoyntement, went to the place, and there castinge a rope aboute the signe, pulled it downe; which was the nexte nighte sett upp agayne by Keymer or his deputies.

Whereupon, the daie nexte followinge, I sent for Keymer, by my ordynary officer, to come and speake with me; who beinge denyed to be at home, I appoyncted the proctours agayne to pull downe his signe; which they indevored to doe, firste by themselves, the bedell, and their servauntes only; but beinge purposely resisted, with such provision as they little looked for, as namely, with skaldinge water myngled with lyme and aishes, and with stones and brickbattes, they were forced to sende for the helpe of three or foure masters of arte moe; and so resistinge their force only, pulled it downe, without any force offered to any man by them, them selves beinge some of them hurte with stones and skalded with water, as is yet to be seene, and wee shalbe redye to justefie.

The nexte daye the signe was sett upp agayne by Keymer or his adherentes; and hath ben by us so suffered to stande ever since that tyme.

Yt appeareth by sir Walter Raleighs lettres, that he hath ben greeveously informed of our ryotuouse dealinge in the premisses; but as heretofore it hathe ben founde that Keymer hathe greatly abused his worshipp by faulse reportes, so wee doubte not but it shall nowe be founde (if it shall please his worshipp, by your good honors meanes, to give us hearinge therin), standinge to justefie the trueth of this our reporte, as we will answere the contrarye, under your honours disfavour.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 43, art. 43.]

To the right honorable the lord high treasurer of England, most loving chancellor of the University of Cambridg.

In most humble maner my bounden duty unto your good lordship remembred; the importunate dealing of Keymer causeth me at this tyme most humblye to desyre the continuance of your honorable patronage to this Universitye. Upon some untrue report made by the sayd Keymer, sir W. Ralegh hath writen and sent another letter unto me and the heades of the Universitye, the which letter, with our answer to yt, I send to your lordship by this bearer, wherby yt maye appeare howe hardlye we ar used, and what our answer ys unto yt; most humbly prayeng your honour to direct us in our proceding, so as we maye do the best for the mayntenance of our priviledges granted by her majesty, the which are greatly impugned by this Keymer, whose so long standing out in this matter gevethe encourage to many of the townesmen to enterprise the like in other matters. Thus, in humble wise, I cease any further to trouble your lordshipe at this tyme, whome I praye the Almighty to kepe in his blessed protection by his holy

spirite. At Corpus Christi Colledg, in Cambridg, the 28 of Febr. 1584.

Most humbly your lordships dayly oratour,

ROBERT NORGATE,
vice-can.

INTERPRETATION OF A STATUTE.

xx. Januarii, 1585, xxvii° anno reg. Eliz. etc. Nomina quæstionistarum procancellario exhibenda.

D. Rob. Norgate, S. T. P. almæ Universitatis Cantabrigiensis procancellarius, de consilio et assensu omnium præfectorum collegiorum qui huic chartæ subscripserunt, decrevit, quod præfecti omnium et singulorum collegiorum, et in eorum absentia eorum vices gerentes, schedulam continentem nomina et cognomina omnium et singulorum scholarium qui in suis privatis collegiis, publico suo et sociorum suffragio, domi ad respondendum quæstioni approbabuntur, domino procancellario aut ejus deputato exhibebunt ante congregationem tenendam post hujusmodi domesticam approbationem. Item, decrevit, quod prædicti præfecti, vel eorum vicarii, non admittent in collegia sua respective aliquem scholarem, qui nunc nec ante fuit de eodem collegio, nisi præfectus, aut ejus vicem gerens, per literas suas significaverit se licentiam dedisse prædicto scholari, ut a suo collegio ad aliud transeat; sub pœna 40 solidorum legalis, etc. solvendorum per eum qui aliquam partem hujus decreti violaverit, ad publicum opus et usum academiæ.

Per me, ROB. NORGATE, procan. EDM. BARWELL.
JOH. STILL. RICH. HOWLAND.
THO. LEGGE. UMF. TYNDALL.
Per me, JOH. BELL. THO. NEVILLE.

DOCTOR WHITAKER TO LORD BURGHLEY.

[From MS. Lansd. no. 43, art. 39.]

To the right honorable the lorde of Burghley, lord highe treasurer of Englande.

Fui jamdudum, honoratissime domine, molestus tibi literis meis; itaque nunc verecunde admodum et timide accedo ad scribendum. Obtestor autem humanitatem tuam, quæ sane honorem tuum etsi amplissimum superat, ut harum literarum mihi molestiam condones. Urgeor enim hujus scriptionis necessitate, quæ vellem non contigisset, ut nec ego honori tuo molestus, nec mihi quisquam injuriosus exstitisset. Equidem injectam esse honori tuo suspicionem de me nonnullam doleo; qui me dolor acerbissime vexaret, nisi ita essem de tua erga me benevolentia persuasus, ut vera *ἀπολογίᾳ* posse tibi penitus satisfieri, omnemque ex animo tuo scrupulum eximi sperarem. Nisi vero statuerem ipse mecum ea præstare quæ ad loci illius munus pertinent, illum profecto quantumvis oblatum recusarem. Sed me hac in re non dubito et honori tuo et bonis omnibus abunde satisfacturum. Non ignoro quanta prudentia et moderatione opus sit in tam variis ingeniis atque moribus. Enitar ut si non optimus, tamen a pessimo longe remotus esse videar. Pacis, concordiæ, consensionis auctor ero; factionum occasiones, quantum possum, amputabo; non commitant ut me quisquam partium studiosum merito judicare possit; leges diligentissime observabo; denique, si non fuero talis qualem locus postulat, qualem leges præscribunt, qualem auctoritas approbabit, moveri possum, et me motum loco non gravate feram. Quid ergo est, quod in me quisquam desideret? quod de me suspicetur? quod illo me loco indignum esse censeat? Si vero non sum dignus illo loco, nec eo sane me dignum putare

possum, quem nunc teneo tenuique annis aliquot, et quem in posterum non lætus ac lubens tenebo, si hujus repulsæ ignominiam patior. Quid fecerim, ut vixerim, quos ecclesiæ causa labores susceperim, non ignotum est honori tuo, ut qui me de ecclesia nostra non bene mereri criminantur, factis melius quam verbis refelli possint. Et quidem me totum vitamque meam omnem istis consecravi academicis studiis, ut possem ecclesiæ nostræ operam meam in illis necessariis cum adversario concertationibus navare. Si in hac causa plagam accipio, si nunc criminationibus, nescio quibus, circumvenior atque opprimor, si hic tuum etiam præterea favorem, quem unice semper colui, et quem patronum fore mihi speravi, amitto; dolebo casum meum, meque bonæ conscientiæ testimonio, ut potero, consolabor. Nihil quidem accidit nunc mihi præter expectationem meam; non enim dubitabam fore qui tuum a me animum alienare cuperent; non eo sane quod ingenue existimarent vera esse quæ criminarentur, sed ut mihi locum illum aliquo modo eriperent. Quod si præstare et consequi poterunt, ut tibi de me quod cupiunt omnino persuadeant, ego sane conquiescam, atque illud prophetæ melius meditabor, *Bonum est confidere in Deo quam in homine; bonum est sperare in Domino quam in principibus.* Dominus Jesus honorem tuum conservet atque augeat. Cantabrigiæ, Kalend. Februarii, 1584.

Honoris tui studiosissimus,

Guilielmus Whitaker.

CASE OF TOBIAS BLAND.

[From MS. Lansd. no. 45, art. 65.]

Articles against Tobias Blande, bachelor of arte.

Imprimis, Tobias Blande did make and publish about two yeres since, in Bennet College, one infamous lible, blasphemous to the dishonoure of God, directed manifestlie against Mr. doctor Norgat, master of that college, and now vice-chancellor of the University.

1. Being founde by the master and fellowes of that college to be autor of that libell, for part of his punishment he made open confession of that facte before the master, the fellowes, and all the schollers.

2. After confession so made, he was put to shame of sytting in the stockes, and then expelled and banished the colleg.

3. His expulsion in that manner for making the libell was made known to all colleges in the towne by the particular bylles of Mr. D. Norgate, sent to every master of a colleg, wherin he declared unto them the fact and the punishment, lest any of them ignorantlye might receave him into their colleges.

4. The sayde libell was entituled, *A necessary Cathechisme to be red every Sunday morninge;* and began, as it is thought blasphemously, *In the name of the father, the sonn, and the old wiffe, etc.*

Item, it is vehemently suspected, that in the saide libell an honorable personage was touched.

1. This suspicion is bruited abroade by the common voyce of most men who have hearde any thing of the libell.

2. The sayd Tobias Bland, comming to request favor in his sute, was advised by Mr. vice-chancellor, who had before thoroughly examined his libell, and was not igno-

rant of any thing therin conteined, to go up to sir Francis Walsingham, to confesse his faulte, to requeste his favor, and obtaine his letters for his degree; otherwise he shoulde never be admitted master of art by him.

3. In the sayde libelle this name, sir Francis, was suspiciouslye brought in, as by the circumstance of tyme and occasion of that libell may be gathered.

Tobias Bland, convicted and thus expelled for his libell, is not to be admitted to the degree of a master of art.

1. He ought also to be expelled the University by virtue of the statute *de modestia, cap.* 47, *qui famosum, etc.* And being expelled, might never after retorne into the Universitie, as appeareth in the statute *de forma bannitionis scholarium, etc.* fol. 5.

2. Though he be not yet expelled the Universitie, yet, having so justly and so orderly been expelled one college, *per statutum de ordinationibus collegiis præscriptis, cap.* 50, he ought not to be admitted or suffered in any other.

3. No infamous person ought to be admitted to the degree of a master of art, *cap.* 19, *de modis approbandi;* and by lawe it is warranted, that every maker or publisher of a libell is infamous.

Statutes and auncient customes of the Universitie have not ben observed in the proceding of this his petition for his degree.

1. Wheras by the statute of the Universitie no more termes are to be propounded in any grace then in truthe may be advouced, *statut. de gratiis concedendis, cap.* 21, Tobias Bland having not continued ix. termes in the Universitie, nor in anye colleg of the Universitie, yet propounded in his grace ix. termes.

2. The forme of scrutinie prescribed in another clause of the statute *de gratiis concedendis, cap.* 21, being the onely forme set downe in statute, was not observed, as well in that intelligenc was gyven unto sir Blandes fautors

that he wanted but one voice to cast it on his side, as also that the scrutinie being dissolved and sentence pronounced for all the rest, who were inquired of in the same scrutinie, was extraordinarilie continued in favor of him, and by that meanes he prevayled by one voice forthed out of the towne.

3. Whereas, by custom of all former tymes, he that obtained and used a grace *ad intrandum*, as we call it, and if he were repulsed againe out of the regent house at the same congregation, was wont to visit againe and to have a new grace *ad intrandum*; Tobias Bland, contrary to this received custome, neither visiting againe, nor asking a new grace *ad intrandum*, not onely that congregation, but that terme also being broken up, was againe brought into the regent house in another congregation and another terme.

The summe and effect of all is this:

1. Tobias Bland was expelled out of Bennet Colleg for a notorious libell.

2. And for the same libell is to be expelled the Universitie.

3. For both which, or for either of which, he is *infamis propter vitiosos mores*. And therfore, according to statut, we doe request that he maye be expelled from his degree.

THE MEMBERS OF THE SENATE TO LORD BURGHLEY.

[From MS. Lansd. xx. 45, art. 67.]

Duo jam fere anni sunt, honoratissime Burghleyane, cum quidam apud nos Tobias Bland compertum a se infamem divulgaret libellum. In quo primum, id quod apparet, magistrum collegii sui et jam vice-cancellarium, celavit, ut rebellione aspicio est, unus ex honoratissimis reginæ consiliariis ac ignominiam designaret; postremo, id quod longe maximum fuit, nunc proferret blasphemias quas

in summum Deum, odiosa res magistro et sociis omnibus videbatur. Itaque hominem e collegio suo expellunt: mittunt statim libellos singillatim ad omnia collegia, ut academiæ legibus constitutum est, ne illum admitterent. Ex quo ejectus, exul, cui non jus non locus in academia esset, ruri vixit, quanta cum infamia et offensione bonorum virorum jam non dicimus, ne alias res agere videamur. Rediit tandem superiore proxima Quadragesima, et primum aut receptus est in aliud collegium contra leges academiæ, aut, quod æque peccatum est, in scholis publicis obiit suas disputationes non receptus; deinde præsentatus, ut loquimur, academiæ in senatu est, scilicet, ut ei magisterii honos tribueretur, qui ne loco quidem in academia esset dignus judicatus. Quid multa? Res refertur ad capita. Negatur primum ab uno probato illo quidem et spectato viro summo cum judicio: quidam contra, quasi qui suam potentiam sine injuria levem et inopem esse arbitrarentur, id egerunt, ut simul cum Blando, si modo repelleretur, cæteros omnes baccalaureos ad minimum sexaginta sex de prima petitione dejicerent. Ibi, ne ex justa Blandi pœna ad cæteros injuria perveniret, vir bonus et prudens remisit aliquantum de contentione sua. Post cum jam causa Blandi ad regentes referretur, primo et tertio jugulata est. Tandem vero, tempore opportune capto ad eam rem, dum multi abessent, qui ejus primam et tertiam petitionem non malitia sed conscientia fregerant, scrutinio jam cessante et dissoluto, contra statuta academiæ, uno tantum suffragiolo, importuno labore, impudenti ambitu, ægre et misere corrogato, desperatam jam et tribus antea confossam præjudiciis gratiam conferunt. Ita spurcissimi omnium, quos unquam accepimus, et odiosissimi libelli auctor, eo reversus est uno suffragio, unde multis ejectus est legibus: perinde ac si senatus noster a majoribus esset constitutus, ut quem leges ad perpetuum exilium condemnarant, eum non modo admitteret, verum etiam ornaret. Hic quidam e nobis, qui doleret

statutis academiæ vim afferri, sponsionem viginti minarum facit, sese intra octo dies per statutum præscriptos, quorum jam aliquot elapsi sunt, probaturum illum *aut infamem esse propter mores vitiosos, aut non perfecisse quæ leges requirunt.* Causa quæ sit, vides. Restat jam, ut te oremus atque obsecremus (honoratissime Burlhiensis), ut quoniam Mr. vice-cancellarius omnes infamis libelli articulos probe novit, et nobis aperuit, adeo ut quem alioqui judicem haberemus, nunc testem postulemus; et quoniam vulnus inflictum homini senatorio curandum est a senatore, et academiæ a cancellario, ne causam publicam a nobis non contentionis studio, sed religione et conscientia delatam, munitam statuto, munitam æquitate, rejiciendam putes, sed ut aut ipse cognoscas, si otium est, aut quamprimum, quia res ipsa celeritatem flagitat, virum aliquem vel aliquos alleges nobis, qui auditis partibus rem totam celerrime et æquissime disceptent. Deus honorem tuum diutissime servet incolumem.

Tui honoris studiosissimi,

THOMAS BRADOCKE, academiæ procurator.
PHILIP AWNSHAM.
RICHARD SPARKE.
HENRY GODLY.
JOHN MAN.
ZACHARIAS STEWARD.
THOMAS BRYGHTMAN.
EDWARD LISTER.
RICHARD BURTON.
F. SAVAGE.
R. WRIGHT.
RICH. WOODCOKE.
W. KETTALL.
SAMP. SHEFFELD.
HENRICUS BROMLEY.
RIC. MORE.
ED. SHARPE.
THOMAS HARRYSON.
P. SMART.
LAURENCE LEY.
BRIANUS LISTER.
JO. OVERALL.
RICARDUS HARRIES.
BRIAN TAILOR.
ARTHUR DAUBENIE.
LEONELLUS SHARPE.
C. CHADVICUS.
ANDREAS WILLIOTT.
GUILIELMUS PERKINS.
ARTHURUS HILDERSAM.
F. POWELL.
R. SWINSTE.
H. GRAY.
JOH. COKE.
LAURENCE PICKERING.

Rodolphus Furnes.
Johannes Whittleus.
Guili. Hall.
Thomas Leonard.
Henricus Grys.
Gulielmus Ford.
Edwardus Batte.
Guil. Jones.
W. Jefferaye.
W. Bridon.
J. Pope.
Guil. Symme.
Mor. Rydley.
Tho. Goddard.
Jo. Allenson.

ORDERS FOR APPAREL.

[From MS. Lansd. no. 45, art. 68.]

Orders of apparell for schollers of the Universitie of Cambridge, made by the right honorable the lord Burleigh, lord high treasurour of England, and chauncelour of the Universitie of Cambridge, with the assent of the vice-chauncelour, masters of colleges, and the doctours of all degrees within the saied Universitie. Anno 1585.

First, that no graduate remayninge within any colledge, hostell, or hall, or clayming to enjoye the priviledge of a scholler, doe weare any stuffe in the outward part of his gowne but woollen cloth of blacke, puke, London browne, or other sad colour. And the gowne to be made with a standing coller, as the use hath bene, and not falling; and the hood that is worne with the same gowne to be of the same or like cloth and colour that the gowne is of. And that none, as is aforesaied, doe weare for the upper apparell of his bodye in the daye tyme out of his colledg, hostell, hall, or habitacion, and precincts of the same, in any common streete of the towne, that is to saye, in the high streete from the great bridge, as it leadeth right to Christes Colledge; in the streete called the high ward streete, from St. Johns Colledge, as it leadeth right to Pembrooke Hall and Peterhouse; in anye of the markett places; in the streete called the Peticurie; or in the court

or quadrant of any other colledge than that where he remayneth; or within the common schooles; or at any disputation, or any common lecture; or at any sermon, or common prayers; or being called and coming to the vice-chauncelour or proctours; any other then the saied gowne and hood, or tippett, as to his degree apperteyneth, except the habitt and hood be then required to be worne; and the gowne sleeves in all these tymes and places to be worne over and uppon his armes, except he walke in his cloake and hatt to and fro the feildes.

The facing of gownes for bachelers of musick, physick, and law, and for masters of art, and upward, at the coller only, half a yard downeward by the brest, and a quarter of a yard at the handes of a streight sleeve, and no where else, unles the wearer be a doctour, provost, or master of a colledge or hall, or principall of an hostell, or oratour of the Universitie, or proctour or taxter of the same, or be or have bene one of the quenes majesties readers, or the Ladye Margarettes reader, or have bene proctour or oratour of the Universitie, maye be of playne taffita, untuffed, of sattyn, silke, grograyne, sarcenett, or such like, not forbidden to the wearer by proclamacion and lawes of the realme. But no silke to be worne to the hood, except the wearer be a doctour, or be or have bene provost, master of a colledge or hall, or principall of an ostell, or oratour or proctour of the Universitie, or one of the quenes majesties readers, or the Lady Margarettes reader. Provided that it may be lawfull for doctours and provostes, and masters of colleges, halls, or ostells, in all other places before not forbidden to the wearer by her majesties proclamacion and lawes, and of such decent fashion as heretofore hath bene usuall for men of that callinge.

And that it may be lawfull for everie other graduate also to weare within his colledge, hall, ostell, or habitation, and other places not forbidden as is aforesaid, a gowne or

gaberdine of playne Turkye fashion, with a round falling cape without garde, welt, lace, cutt, or silke, except one cutt in the sleeves thereof, to putt out his armes onelye; so that as well the saied gowne or gaberdyne, as also the lyning and facing be of sad colour and playne stuffe, and such as is not prohibited to the wearer by her majesties said proclamacion and lawes.

Also, that everie graduate wearing the abovesaid gowne and gaberdyne within the Universitie or towne out of his chamber or lodging, doe weare withall in the day tyme a square cap, and none other; no hatt to be worne except for infirmities sake, with a kerchiffe about his head, or in goinge to and fro the feeldes, or in the streete or open ayre when it shall happen to rayne, hayle, or snowe; and then at all other tymes within the Universitie and without, the hatt whiche shalbe worne to be blacke, and the band or lace of the hatt to be of the same colour, playne and not excessive in bignes, without feather, brooche, or suche like, uncomelye for students; and that as well the hatt as the band be such as the wearer may by law use and weare.

Also, that all regentes hoodes for masters of arte be of one sorte, faced, lyned, and edged with myniver, and with no silke (the oratours of the University only excepted). Also, that no graduat remayninge within any colledge, hall, or ostell, or clayming to enjoye the priviledg of a scholler as aforesaied, doe weare within the Universitie, nor without the same, if he have any living or sustentacion of any colledg or hall, any stuffe in, upon, or about his doublett, coate, jerkyn, jackett, cassock, or hose of velvett or silke, or of any such stuffe as is forbidden by her majesties said proclamacion and lawes; nor any other stuffe not so forbidden that shalbe embrodred, powdred, pynked, or welted, saving at the handes, verge, showlder, or coller; or gathered, playted, garded, hacked, raced,

laced, or cutt, saving the cutt of the welt and button-holes; nor of any other redde, grene, and suche other like colour. The offendour to be ordered, reformed, and punished from tyme to tyme, both for stuffe, fashion, and colour, by the vice-chauncelour, with such reasonable pecunarie mulct as to him shalbe thought convenient.

And if any graduate or other scholler as is abovesayed shall offend in any of the premisses, after terme dayes immediately following the publicacion hereof in the congregacion or common assembly of regentes and non-regentes, he shall forfeit for the first offence, iij$^{s.}$ iiij$^{d.}$; for the second offence, vj$^{s.}$ viij$^{d.}$; for the third offence, xiij$^{s.}$ iiij$^{d.}$; for the fourth offence, xl$^{s.}$; and for the fift offence he shalbe *ipso facto*, without further monition, deprived of his place, roome, and living in the colledge, ostell, or hall where he was resiaunt. All which mulctes and paynes shalbe taken and executed by the provost, master, or principall of the said colledge, hall, or ostell, or the vice-provost, vice-master, president, or his vicegerent, or his deputy by prevencion, if the fault be committed without the colledge, hall, or ostell; yet so as if any of the said penalties be exacted and taken by any of them, it shall excuse the offendour against the other. And that diverse offences committed by one person in one daye shalbe punished with one penaltie onely. And that no mulct for any offence herein shalbe demaunded or taken after sixe dayes next following the offence done, if it be committed within the limittes of the Universitie; but if it be done without the saied limittes, then except it be demaunded and taken within xiiij. dayes after the retourne of the offendour to the Universitie, and knowledge had or geven thereof to the provost, master, or principall, or in his absence to the vice-provost, vice-master, president, or his vicegerent or deputie in that house, or to one of the proctours as is aforesaied, then it shall not afterward be demaunded. And if any

offend in the premisses, and shall refuse to pay, and not paye the mulct being demanded of hym by that aucthoritie as aforesaid, then that payne shall, by such denyall and not payment, be doubled, and shalbe sued for before the vice-chauncelour. And if the provost, master, or principall of the colledge, hall, or ostell, or the provost, vice-master, president, or his vicegerent or deputie, or any of the said proctours, shall willingly and wittinglye at any tyme neglect to execute his office herein within the tyme before prescribed, this to be judged before the vice-chauncelour and two masters of colledges, or the more parte of them, other than the offendour, then the saied provost, master, principall, vice-provost, vice-master, vicegerent, deputie, or proctour, shall incurre the payne of vj^{s} viij^{d} for everye suche negligence and omission; and that mulct to be exacted by the vice-chauncelour, or his deputie, within sixe dayes next after it shalbe judged. All and everie the said mulctes and penalties, after the leavieng of them, forthwith to be delivered to the vice-chauncelour, or his deputie, within three dayes, to be devided into three partes; to the Universitie one parte, to the taker and punisher one other parte, and the third parte to be bestowed by him amonge the poore schollers where the offendour is resiaunt, and the bedells that shall take paynes about this matter, as by his discretion they shall deserve. Excepted alwayes from these orders and mulctes aforesaid all lordes and their children, all knightes and theire heires otherwise conforming them selves to her majesties proclamacion and lawes in this behalfe made, all doctors of law, phisick, and musick, whiles they shalbe abroade out of the Universitie, and in going and coming to and fro, and all scholers being or having bene married and keepinge house and familie in the towne. So that as well the saied doctours, as also the other said schollers, doe use no other apparell but such as is agreable to theire qualities and degrees, and by her majesties proclamacion

and lawes of the realme is or shalbe permitted unto them; and also all strangers borne out of her majesties obeysance remayning in the Universitie for studie sake, not having the perpetuitie of living in any colledg or hall; and also the bedells of the Universitie, which may lawfullie weare such apparell as heretofore hath bene usuall for men of their condition and callinge.

Finally, if hereafter any new forme or excesse in apparell, either other colour then blacke, or such like sad colour, except that the doublett, being close worne and not seene, may be of other colour; saving that it may be lawfull to bachelers of law, phisicke, and musick, masters of arte, and other of high degree, to have two playne stitches, or one small lace of silke of the colour of the garment, about the edges thereof, and at the gorgett, and in the length of the doublett sleeves: also, having living or mayntenaunce of any colledge or hall, doe weare within the Universitie or without, nor other graduate pensioner, doe weare within the Universitie, in, uppon, or about his hose any silke, or other stuffe of like charge; saving onely in stitching the clockes, and setting on the upper stockes. And that the upper stockes of the hose be of none other stuffe; but either of brode cloth kersye, or mockadowe not above the measure of kersye: nor to weare anye slop but the playne small slop, such as is not to be lett downe beneathe the knee; not paned, and without gardes, cutt, pynke, welt, lace, stitche, or such like, and of none other colour but blacke, or of like sad colour; except masters of arte, bachelers and doctors of law, phisick, and musicke, who may have in the length of theire upper stockes or slop two playne stitches, or one small lace, so it be of like sad colour with the hose; and that the garters be of the colour of the hose, and playne, without needlework, lace, or twist: and that no deacon or minister, graduat or not graduate, doe weare in his slop, stock, or hose, any velvett, silk, or tuft, mockadowe, or

other suche like stuffe. Allso, that no scholer or student, of what degree or calling soever he be, doe weare, within the Universitie or without, anye shirt wrought with any kinde of silke or other stuffe, in, uppon, or about the same shirt band or ruffe, but onelye a playne hemme of the same clothe, and one or two stitches at the most; and that with white thred onelye, without cutt, purle, stringe, jagge, carving, lace, twist, pynke, or any suche like; but playne as is aforesaid. The standing band of the shirt not to be in depth above foure ynches, and the ruffe in depth at the coller and handes not above one ynche and a quarter above the neckband or wrestband; and in thicknes or length not above foure yardes at the coller, nor above two yardes at either hand. The falling band of the shirt not to be turned downe on the one syde in any parte of it above two ynches and a halfe, except the corners, which may have one ynch more; and this band to be without tassells, lace, stringe, twist, buttons, knott, or such like.

Also, that no graduate having living or stipend, of any colledg or hall, doe weare any stuffe for the outside of his cloake but woollen clothe of blacke, or the like sad colour; to be made with a standing coller of truncke fasshion, or a round standing coller, or a round falling cap with sleeves, or a playne round casting cloke over the same without sleeves, not lower then the midcalfe of the legge; and not to be faced with any silke, but onelye in the coller. All provostes and masters of colledges and halls, and principalls of ostells, the oratour and proctors of the Universitie in this poynt only excepted, for the lyninge of theire cloakes onelye; and not to be gathered, paned, garded, or welted, saving with a small welt at the shoulders, coller, and handes; not embrodered, or layd with lace, nor wrought with silke, saving the button holes, and one or two single stitches, or one small lace, about the verge, coller, and sleeve handes thereof; nor cutt but at the welt of the shoulder, coller,

handes, and button holes, and in the sleeves to putt out the armes; and that no such graduate doe weare abroade without the Universitie, for his upper apparrell, any other garment then one of the saied fasshioned cloakes, or one of the above named fasshioned gownes or gabberdynes.

Also, that no scholler doe weare out of his chamber and studdye any pantaples or pynsons, but in the tyme of his sicknes. And further it is ordered, that everie scholler being no graduate doe not only refrayne to weare such apparrell as is before in these orders forbidden hym to weare, under the paynes hereafter following and sett downe; but also that every such scholler who hath living or stipend of any colledge or hall doe also absteyne to weare in his apparell anye stuffe, colour, or fasshion that shall not be playne and schollerlike, and which shalbe disallowed by the provost or master, or in his absence by hym that shall supplye his place, by the substraction of the weekelye commons and allowaunce of the offendours to the use of the colledge, untill the fault be amended. And that none other such scholler being pensioner doe weare abrode, either in any colledge, hall, or ostell, or without, any apparrell but comelye, and agreeing to his calling and degree; not offending her said majesties proclamation, lawes, injunctions, and advertisementes, especiallie in the upper apparrell; avoyding as much as may be the diversitie of fasshion and coloure; namelye, not to weare skarlett colour, crymsyne, yellowe, or such like light colour in stuffe, fasshion, or otherwise, as shalbe devised and used, other then is here above appoynted, comelye for everye degree.

And for the better execution as well of all these good orders as for the reforming of all disorders that may hereafter arise, it shalbe lawfull for the chauncelour and the most parte of the heades of the colledges in the said Universitie to sett downe and appoint such orders and statutes, either for the due observing thereof, or such penalties for not

performing the same, as to them shalbe thought meete and convenient: and those orders to be executed by the vice-chauncellour and heades of colledges, under such payne as shalbe provided against the offendours.

And, for that comelynes and good order is requisite to be observed in all degrees, for the better estimacion and reverence of the same, it is provided, that all masters of colledges and doctors of divinity of the saied Universitie of Cambridg shall weare openly within the saied Universitie a truncke gowne and a hood, or a truncke gowne and a tippett, according to theire degrees: and that they shall therewithall weare a schollers cap, being square: and when he or they shalbe out of the Universitie in any citie, by the space of three dayes, and at such tymes as they shall preache elsewhere, they shall weare a truncke gowne, tippett, and square cap, according to the quenes majesties injunctions and advertisementes, under the payne of forfecting xx^{s}·, to be divided into three partes, and imployed as aforesaied. Provided also, that all masters of colledges and doctours of divinity in the said Universitie shall, when they either ride or goe out of the Universitie, weare a blacke cloake with sleeves; nevertheles it shalbe lawfull in theire jorney to weare over the same a casting cloake without sleeves.

For the reformation of which orders, wee, the said lord Burghley, lord high treasurer of England and chauncelour of the said Universitie, the vice-chauncelour, masters of colledges, and doctors of the same Universitie, have hereunto put our handes, the vth daye of November, in the xxvijth yeare of the raigne of our soveraigne ladye queene Elizabeth, 1585.

DISPUTES RELATING TO MEAT AND WINES.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 46, art. 73.]

To the right honorable and our singular good lord, the lord high threasorar of England.

Our humble dueties premised to your good lordship: may it please the same to be advertised, that upon Wednesday, the ixth of this moneth, Mr. Wendie, the high sherif of Cambridgeshire, delivered to the vice-chanceller a copie of a lettre dated the xixth of February last, together with certaine orders set downe by your lordship and other the honorable lordes of her highnes privie counsell, concerninge the restraint of eatinge and killinge of flesh, as well this Lent time as on other dayes prohibited. Upon receipt whereof, desirous forthwith to accomplish our duetifull obedience in that behalf, we called before us, as well all butchers as other victuallers of our towne; takeing of everie of them sufficient bond for the due observation of the said orders; appointing allso two mete persons in everie parish to make diligent search from tyme to tyme for such as should offend against the same. And for that we understood that the said sherif had delivered allso the like copies to Mr. maior of Cambridge, we sent worde unto him, that forasmuch as your lordships commandement concerned onelie victuall (the entier dealinge wherewith was, by charter of kinge Richard the Second, so whollie and onely graunted to the Universitie, as the maior was by the same charter expressely forbidden to entremedle therein), we thought he should not nede to trouble him self or his company thereabouts; speciallie seinge we had allreadie sufficiently provided for the due execution of that chardge. Herewith, albeit Mr. maior seemed at the first to be contented; yet we are now enformed that, under pretence of

the commaundement of your lordships said lettres, he taketh upon him to enter into this action; and hathe to that end bothe appointed searchers and empannelled a jurie; which his proceadinges directly tendinge to the breach of our charters, we tooke our selves bound in duetie first to signifie the same unto your lordship, and next to crave your honorable assistance for redresse thereof. For our owne parts, we doe verely thinke that the maior and his company doe utterly misconstrue bothe the meaninge and wordes of your lordships lettres; for as we are moste assuredly perswaded that not onely your good lordship (the fruits of whose fatherlie care over us we doe daily injoy, to our singular comforte), but allso the residue of the right honorable of her majesties privie counselle, never meant to impeach so much as the least point of any our liberties; so are the wordes allso of your lordships lettres verie plaine; that, not precisely the maior, but *the maior or other head officers of priviledged places, should see due execution of the said orders.* Now, seinge there is another head officer, namelie, the vice-chauncellar, who within the towne and precincts of Cambridge hathe by auncient charter the whole and sole correction of all offences committed about victuall, we take this attempt of the maior to be without warrant everie way; for speedie reformation whereof we humbly crave your good lordships direction and honorable aide; for whose prosperous estate daily prayinge unto the Almightie, we humbly take our leave. From Cambridge, the xvth of March, 1585.

Your lordships daily orators,

Umphry Tyndall, vice-chan.	Thomas Legge.
Roger Goade.	John Hatcher.
Robert Norgate.	Thomas Preston.
Tho. Byng.	Laurence Chaderton.

THE PRIVY COUNCIL TO THE MAYOR OF CAMBRIDGE.

[From MS. Lansd. no. 62, art. 44.]

The copy of a lettre to the maior of Cambridge.

After our harty commendacions; whereas before or neare aboute the beginninge of Lent wee did, by her magesties comaundment, send our lettres generally to all partes of the realme, to commaund order to be taken in all townes to restraine eateinge or killinge of fleshe duringe this Lent season, and upon other daies prohibited, and to that end to take bond of all butchers and other victualers to observe that order, we understand that the vice-chauncellour and other officers of the Universitie of Cambridge havinge knowledge thereof, did accordinge to there duties and the autoritie which they have, by charter and continuall usage, in the towne of Cambridge, over all victualers dwellinge in that towne, take present order by callinge before them all butchers and other victualers of that towne, and chardge them to observe the said order, takinge bondes also of them for observacion thereof, and apointed in every parishe parsons to use a continuall serche for the same; wherein wee have cause to allow there dilligence: yet since that tyme we are informed that you, the maiour of that towne, and some others with you, who have no autoritie over any victualers or victualls there, havinge obteyned from the sheriffe of your countie a coppie of our lettres written unto him and the justices of peace aboute this order, have attempted (after this order taken by the officers of the Universitie for performance of the contentes of our lettres) to call both butchers and victualers before you, and apointe certeine persons to see thexecucion thereof, intrudinge your selves to do that which was allreadie well done and executed, and by colour thereof to violate the liberties of the Universitie. Wherefore, althoughe in respect of anie readines appeareinge in you for thexecucion of such good

orders, wee cannot but allowe you; yet, consideringe the vice-chauncellour and the officers of the Universitie had allreadie done there duties therein, and that thexecucion thereof did properlye belonge to them, who have autoritie to oversee victuales and victualers, as by speciall charters and continuall usage the officers of the Universitie have allwaies hadd, we have thoughte it very expedient, and consonant to justice, to will and commaund you to forbeare from this kinde of dealinge, and to permitt the officers of the Universitie to continue in thexercise of that which they have begonne, to restraine all victualers from breache of the order apointed. And allso because it is againste reason to have the butchers or victualers to be twise bownde, and so in daunger twise for one thinge, wee will, that if you have taken any bondes of anie that were before bownde by order of the officers of the Universitie, you shall deliver the same bondes to the parties, to avoide there dubble perile for answeringe anie penaltie twise for anie one faulte that may be committed. And this we require yow to performe undelayedly and quietly, for avoydinge anie further contencion betwixt you and the Universitie; as we also will not allowe that they should attempte anie thinge, by anie collorable meanes, to violate anie lawfull libertie that you have for government of the people under your chardge. So farewell. From the courte at Greene-wich, the xxvijth of Marche, 1586.

Your lovinge frendes,

Lord archbishop of Canterburye.
Lord chancelour.
Lord treasurer.
Lord admirall.
Lord chamberlaine.
Mr. controler.
Mr. vice-chamberlaine.
Mr. secretarye.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 50, art. 42.]

To the right honorable and our singular good lord the lord high threasorer of England.

Right honorable and our singular good lord; havinge of late receaved lettres from your lordship and others of her majesties moste honorable privie counsell directed to the maior of Cambridge, etc. in way of protection of our privileges, concerninge the good order of victuallers about the killinge and dressinge of flesh, albeit we cannot render to your lordship such sufficient thankes as your honorable goodnes toward us doeth deserve, yet for so great a benefitte we can not keepe silence, but are even forced to signifie to your lordship in this simple maner our moste duetifull and gratefull hartes; for whereas the maior and other justices of the towne, under the colorable shewe of their former warrante, had veriely in purpose to geve our charters a deadly stroke, we moste thankfully acknowledge that your good lordship hathe ben for us therein as a stronge bucklar and a speciall defence. The Allmightie voutchesalf to reward your lordship for such your lovinge and fatherlye care over us; for we our selves are so farr from abilitie to recompence any part thereof, as we are dailye more readie to growe further into such kinde of debte. And even at this present we are humblie to crave your honorable aide against the troublesome practices of Keymer, the vintenar; who havinge been convented before the vice-chancellar by ordinary course of lawe, and justlie condemned for his default, he now seekinge to reverse that sentence, hathe procured writts of errour out of the chancerie, to cause the matter to be traversed in the kinges bench. Sued he was here in two kindes of actions; the one was commenced against him by the vintenars in respect of their interest, for that they accompted them selves

much damaged by him, in that he, intrudinge upon their trade, did greatlie hinder them in utteringe such wynes as they had provided for the servinge of the towne. The other was a complaint preferred by the proctours of thuniversitie, who customablie have the oversight of those victuallars, with the forfeictures and yssues of such as offend that waye. He had diverse daies assigned him to make his defence, and was offered counsell to that effect; but he obstinatelie refused either to entretaine counsell or to put in aunswere. We can not finde in any our recordes that ever any matter was drawen from the Universitie by writt of errour. And truelie if that course should be admitted, the strength of our privileges were utterly defeicted; for what controversie should the vice-chancellar determine at any time, but some contentious persons might againe call the same in question in an other courte? Some of us remember that one Searle, a townesman, attempted the like about twentie yeres past; but the late lord keper (that honorable man of worthie memorie), upon our humble petition, through your good lordships motion, so ordered the matter as we were no more afterward troubled therwith. And if it might please your good lordship in like sort to move at this present the right honorable the lord chauncellar, to whom we have made complaint hereof, bothe we and our posteritie shall ever retaine a thankfull memorie of so speciall a good turne. Even so moste humblie we beseach our heavenlie father longe to preserve your lordship, to the great good of us all and of the whole realme. From Cambridge, the xviijth of Aprill, 1586.

Your lordships moste humble ever bounden,

Umphry Tyndall, vice-chancelor.	John Still.
	John Bell.
Roger Goade.	Robert Norgate.
Tho. Byng.	Edm. Barwell.
Thomas Legge.	Thomas Nevile.
Thomas Preston.	Laurence Chaderton.

THE SENATE TO LORD BURGHLEY.

[From MS. Lansd. no. 50, art. 54.]

Honoratissimo et illustrissimo domino, domino de Burghley, summo thesaurario totius Angliæ, et academiæ Cantabrigiensis cancellario dignissimo.

Facit (honoratissime domine) hominis semper turbulenti intolerabilis nimiumque insidiosa audacia, ut studiosius quam antehac veterem et valde nunc quidem necessariam petitionem nostram commendemus dominationi vestræ: speremusque pristinam et perpetuam in querelis nostris audiendis promovendisque alacritatem tuam (quam hac in causa jam pridem plane egregiam experti sumus), eo nunc ardentiorem fore in propugnatione libertatum nostrarum, quo sunt ferocius ab aliis oppugnatæ. Ecce autem homo vehemens et violentus, toties et tam longum in tempus dilati judicii confidentia animatus, adjutusque novo insuper subsidio oppidanorum nostrorum (quos naturale quoddam et infinitum odium exercet erga academiam nostram), usque adeo furere tandem incipit, ut verendum sit, non tam de unius male sani cœnopolæ illius immunitate, quam de universis academiæ privilegiis judicium hoc uno judicio fieri. Cujus rei periculosum exemplum præbent recentes et variæ machinationes eorum, qui nova lite et judicio veterem controversiam suam prosequuntur, conanturque, tum precibus tum pecuniis, a nobis ad se vinarios designandi prærogativam nostram penitus avertere. Neque ita se tenent. Nam id agunt non modo ut causas prius a nobis tractatas sub prætextu erroris admissi ad regium tribunal deferant, sed etiam ut eripiant nobis, et a publica custodia nostra alio transferant nefarium de plebe hominem, a quo scelerato per apertam vim ex procuratoribus nostris alterum graviter ad internecionem fere vulneratum constat fuisse, et de quo lata jam diu sententia atque conclusa a nobis pœna est. Hæc et alia hujusmodi academiæ nostræ cum sorore sua Oxoniensi communia et fatalia quasi peri-

cula, nisi amplitudo vestra celeriter propellat salutari præsentia in proxime futuro jam brevi judicio, post hanc immunitatum nostrarum longam et non levem jactationem, grave proculdubio et inhonestum ab universo tandem naufragio periculum erit. Quare supplices ab honore tuo contendimus, ut (in his licet per te contemnendis, at sine te sane periculosis tempestatibus) auctoritate præsentiæ et honorifici patrocinii tui, quasi tridente Neptunia intercedente, navis libertatum nostrarum, vehementius jam diu concussa, quam minimo cum periculo scopulos prætervecta, in tuto tranquillitatis portu naviget. Deus optimus maximus dominationem tuam diutissime conservet. Cantabrigiæ, e senatu nostro, pridie Nonas Junii, 1586.

Honoris tui studiosissimi,

Procancellarius et reliquus senatus Cantabrigiensis.

OPINION OF THE CHIEF JUSTICES.

[From MS. Arundel, no. 54, fol. 230, r°.]

An opinion of the two cheef justices towching the nominacion of vinteners and setting of prices upon wynes in the Universitie, declared upon occasion of sute commenced against the said Universitie by Mr. Walter Rawleigh.

Firste, towching the nominacion of vinteners there, wee thincke it pertayneth to the Universitie, by usage and charters from her majestie, confirmed by parliament; and that Mr. Rawleigh can nominate none there. For the price, it seemeth they maie sett prices, so as it be according to the statutes, and not otherwise: so as if the vinteners sell at higher prices, theie are to be punished by lawe; which penaltie Mr. Rawleigh may dispence withall, and yet cannot sew for the penaltie by his grant against the statute lawes, for therein all liberties of the Universitie are excepted.

Christopher Wray.
Edmund Anderson.

GRACE OF THE SENATE.

Feb. 11, 1585.

Cum Londinenses librorum impressores inciviliter abuntur et nostra et Oxoniensi academia, et libros in utraque academia impressos, in perniciem nostrorum impressorum, omni cum festinatione imprimunt:

Placet vobis, exemplo Oxoniensis academiæ, statuere ne quisquam bibliopolarum nostrorum ab isto die in futurum aut emat, liget, aut venditioni exponat aliquem librum Londini, aut alibi infra regnum Angliæ, impressum, qui aut hic vel Oxonii fuit impressus, aut deinceps imprimetur, sub pœna exilii perpetui et confiscatione librorum hujusmodi; et insuper ne ullus hujus academiæ alumnus et hic literis deditus, dum moram trahat in nostra Universitate, emat aliquem librum hujusmodi Londini aut alibi sic impressum, cujus copia vel hic aut Oxonii prelo commissa fuit aut erit, sub pœna inobedientiæ et amissione dictorum librorum, quousque aliter per academiam decernetur. Proviso semper, quod impressores nostri non pluris vendant aliquem librum per ipsos impressum quam æstimabitur per dominum procancellarium pro tempore existentem, et reliquos nominatos in articulis magistri Thomæ Thomas.

DISPUTE WITH THE TOWN,

RELATING TO STURBRIDGE FAIR.

[From MS. Lansd. no. 50, art. 56.]

The town having obtained a patent for Sturbridg fair, the University desire a proviso concerning their own privileges to be inserted into it.—17 June, 1586.

The towne hath obteined of her majestie a graunt for Sturbridg feyre: to the book of that graunt th'universitie

addeth a proviso to this effect, viz. that neither that graunt, nor any thing therin conteyned, should any ways prejudice th'universitie of Cambridge, or any member therof, in such thinges as th'universitie enjoyed before the sayd graunt. The towne sayth that that proviso is to large, forasmuch as it may be extendid to all thinges which th'universitie before enjoyed, as well within the feyr as els wheare. Wee confesse it is so; and wee say it is greate reason it should so be, least, under the colour and pretense of Sturbridg feyre, they might cary away some other of our commodities which her hignes never meant. So, shortly, wee say thus muche: seing our proviso is nothing but a restreint of their book, how farre soever their book reachith, so farre reachith our proviso, and no further. This is the brieff of owr present difference, which maye be more enlarged as followeth.

The towne and their counsell doe reason against our proviso in this manner:

The proviso ought not to extend to any other thing then suche as is comprehended in the graunt.

Now the graunt is only of Sturbridg feyr, and nothing els; but the proviso is not restreyned to that only feyr.

Wherfore the proviso is larger then it ought to be.

The Universities aunswer:

Towching the major proposition, if it be so understoode that no proviso should be conceived in more generall woordes then the former graunt was sett downe in, wee aunswer, that that assertion cannot be justified; whiche aunswer wee prove by examples, as well of statutes as of patentes. For patentes wee nede not goo farre: the towne of Cambridg (befor they forfeicted their charters and liberties, by reason of an insurreccion they made, and a fowle ryott they committed, a° 5° Rich. 2) had a graunt from king Henry the Third, that suche as weare *de gilda mercatorum* should passe *quieti*

de telonio, passagio, lastagio, pontagio, et stallagio in feria, et extra. Then followeth a proviso, *Salvis, in omnibus, libertatibus civitatis London.* This proviso doth not say, *Salvis libertatibus London. in telonio, in passagio, etc.* but generally *in omnibus.* Also when they had again obteyned of king Richard the Second some of their old charters, uppon a new graunt, the proviso therto annexed is not conceived in speciall woordes, as the graunt was, but is generally expressed thus: *Salvis semper cancellario, etc. libertatibus et privilegiis quibuscunque, etc.*, not limiting those privileges to any certayn place; and yet was the graunt tyed only to the towne and liberties of Cambridg.

To come to statutes, an acte was made a° 3 H. 8, c. 11°, that no physicion or surgyon should practise in England without th'allowance of the diocesan. The proviso of which acte is sett downe, not in speciall woordes concerning only physick or surgery, but generally thus: *Provided allways that this act, nor any thing therin conteined, be not prejudiciall to the Universities of Cambridg and Oxford, or either of them, or to the privileges graunted to them.* Another act was made, a° 7° Ed. 6, ca. 5, for the prices of wynes, and number of tavernes, etc.; in the proviso of which acte thear is no speciall recitall of wynes, but a generall reservacion in thease woordes: *Provided allway that this acte, or any thing conteined therin, shall not in any wise be prejudiciall or hurtfull to any of the Universities of Cambridg or Oxford, or to the chauncellour or schollars of the same, or their successours, or any of them, etc.* And indede great reason it is that provisoes should be expressed in large woordes; for seing they be inserted into statutes and grauntes only for the proteccion and defense of the provisees, and not to gyve them any new right, the largenes of them can not prejudice any man, but the streictnes may easily hurt the partie that should be pro-

tected therby; for so might it fall owt, that some woord of the graunt might cary away a greater matter then was intended, the proviso cumming short to remedy the same. And thus muche for the major or first proposicion.

The minor conteineth twoo poyntes: one concerning the largnes of their graunt; th'other concerning the largnes of our proviso. Their graunt (they say) is only of Sturbridge feyr, and nothing els: wee confesse indede it should so be; for so dyd her majestie intend when she bestowed it on them, and none otherwise. But in reading over their booke, wee fynd many thinges that wee feare may be drawen to greater matters, and suche as, if wee provide not for them, may towche the Universitie veary neere. For example, in the veary entry of their booke they deduce a right to the whole towne from Henry the First, and secretly also would seeme to include Sturbridge feyr therin. Sone after they deduce an other right from the same prince, expressly naming Sturbridge feyr *tanquam partem villæ Cantabrigiæ*. Next they recite a graunt from king John of the whole towne and liberties, with many large woordes: and so going on from poynt to poynt, they heape up large privileges, many wherof can in no wyse agree to Sturbridge feyr, which by their owne confession continueth not much more then a moneth. Now, if all thease matters should be confirmed by her majestie, withowt sufficient proviso for th'universitie, the best of our privileges would be of little force. Wee leave many thinges untowched in this behalf, which wee wilbe ready to shew more at large when wee shalbe called therto: but this may suffice to prove, that wee have just cause to feare that their booke stretcheth further then to Sturbridge feyre. For the other poynt, towching the largenes of our proviso, howsoever the booke may be stretched, our proviso can in no reasonable construction be extended further then their graunt: for whatsoever thinges be reserved to us by the proviso, it is doon

allways with this restriction, *his literis nostris patentibus non obstantibus;* which clause, or at the lest the effect therof, is repeated three sundry tymes in this proviso.

PETITION OF THE UNIVERSITY.

[From MS. Lansd. no. 50, art. 61.]

Petitions of the Universitie of Cambridge for the makinge of quietnes betwyxt the Universitie and townes menn of the same.

1. For that the maiour of Cambridge, with other of the fremen of that incorporacion, have made certaine orders that noe scholler nor schollers servante shall have any boothes in Sturbridge faire, nor receive any commoditie belonginge to the towne; and also haith shewed of late greate ingratitude to the Universitie, bendinge them selves contemptuously, and, as it appeareth, dispightfullie againste the same: may it please your honour to addresse your lettres to Mr. vice-chauncellour and to the heades, to give your honours advice and consent that they doe take like order, that noe colledge scholler, nor schollers servaunt, shall sell or lett any landes or tenementes to any freman of the towne of Cambridge, but onely to schollers, schollers servantes, or foreners, withowt your honours expresse consent, and with the consent of the whole body of the Universitie, regentes and non-regentes, nor shall buy any thinge of any freman withowt the like consent.

2. Item, that if any such scholler, schollers servant, or forener, takinge to ferme any such house, lande, or tenementes, doe at any time afterward become a freman of the said towne, or shall bargaine, lett, or set over the same, or any parte or parcell therof, to any freman of the towne, that then the same lease to cease, and be utterly voide and frustrate, any covenaunt, clause, article, or agre-

ment in any such lease or graunte to the contrary notwithstandinge.

3. Wheras ther is a priviledge graunted to the Universitie of longe time, for the provision of corne and victuall within the compasse of five miles, which haith bene little profitable to the Universitie, but unto the inhabitauntes within five miles, for that the Universitie hayth noe justices of the peace within the said five miles owte of the Universitie; besides divers other incommodities that the said Universitie doth receive, by reason that, for the moste parte, all the justices within the said compasse of five myles be sworne to the towne of Cambridge, and fremen of the same: may it therfore please your honour to move my lord chauncellor, that the vice-chauncellour for the time beinge, with certaine others of the heades of colledges which haith any lyvinge within the said compasse of five miles, as Doctour Perne, Doctour Bell, Doctour Binge, and Mr. Ellis, may bee in the commission of the peace for the shier and countie of Cambridge.

4. Wheras the towne of Cambridge haith drawen their booke for Sturbridge faire, not onelie to the prejudice of the Universitie and other incorporacions, but also to the great abusinge of her majesties goodnes shewed to them in this said graunte of Sturbridge faire, the forfeture wherof they doe not acknowledge, nor the great benifitt therof, to proceed from her majestie, but by right of certaine surmised former graunts, the which they neither doe nor can shewe the same, as Mr. soliciter did plainelie declare unto them: may it please your honour therfore, that their said booke of the towne of Cambridge for Sturbridge faire may not passe withowt the allowance under the hande of the quenes soliciter, for that Mr. atturney is of the fee and counsell of the said towne of Cambridge, as he sayeth him self.

5. The Universitie humbly desireth your honour to

bee a meanes to her majestie that ther be a proviso putt into their said booke, that it shall not be lawfull for them, nor their successours, by vertue of her majesties said graunt of Sturbridge faire, to make any lawe, constitution, or ordinaunce concerninge the boothes in Sturbridge faire, contrary to the common lawes of this realme, nor the prejudice of any former liberties of the said Universitie; but that any scholler, or schollers servaunt, may lawfullie buy for his monye, or receive by gyfte, or other lawfull meanes, any of the said boothes, as any other of her majesties subjectes may doe.

DISPUTE RELATING TO THE SHERIFF'S OATH.

[From MS. Harl. no. 7041, p. 153.]

A letter for the oathe of the sheriff of Cambridgeshire, 1586.

After our hartye commendations: wheras we fynde by antient records that the sheriffs of the counties of Cambridge and Huntingdon are to be sworn for the defence of the charters and privileges of the University of Cambridge, lyke as the sheriffs of the counties of Oxon. and Berks are for the defence of the charters and privileges of th'universitye of Oxon.; as by the forme of the oathe, which we send you here enclosed, more at large may appear unto you. And forasmuch as at the suite of the vicechancellor of the Universitye of Oxon. order was taken this last year that the sheriffs of the counties of Oxon. and Berks for the tyme being shall take their oathes for the preservation of the said charters and privileges, which the new sheriffs for this year have done accordinglye, we have thought good, at the like suit made for the Universitye of Cambridge, to geve order for the renewing of the custome of the said oathe for the preservation of the charters and

privileges of the Universitye of Cambridge to yowe, being nowe sheriffe, and to your successors for the tyme being: and to that ende have directed her majesties commission of *dedimus potestatem* to the vice-chancellor of Cambridge and to Mr. doctor Perne, or to either of them, with the oath included, to minister the same unto yow; which we are to require yow to accomplish, according to the tenore thereof. And so we bid yow hartelye farewell. From Westminster, the 26th of June, 1586.

Your loving friendes,

Jo. Cant.	C. Howard.
Jo. Hunsden.	Jea. Crofte.
T. Bromley.	G. Shrewsberrye.
H. Cobham.	Chr. Hatton.
W. Burghlye.	Hr. Darcye.
T. Buckhurst.	Fr. Walsingham.

Tenor juramenti.

You shall sweare that the masters and scholers of the Universitye of Cambridge, and their servants, from injuries and violence ye shall kepe and defend, by all your strength and power, and the peace in the said Universitye, as much as in yow ys, ye shall [doe] kepe; and that ye shall geve your councell and helpe to the chancelour and scholers of the same Universitye to punish the disturbers and breakers of the peace ther, after the privileges and statutes of the said Universitye, at all tymes when yt shall be nedefull. And also yow shall put your helpe, with all your strength, to defend the privileges, liberties, and customes of the said Universitye; and that ye shall receve all such oath of your under-sheriffe, and other your ministers of your county of Cambridge, as soon as yow shall be at the castle, or at the town of Cambridge, in the presence of any that therto shall

be by yow arced and compelled; as God yow helpe, and by the contents of this booke.

M^d^: that Mr. Wendy, of Haselyngfielde, was sheriffe when these lettres were sent, who tooke his oathe, &c.

Tenor of the writt called *Dedimus potestatem*.

Elizabeth, Dei gratia Angl., Fran., et Hib. regina, fidei defensor, etc., dilectis sibi Johanni Copcote, S.T.D. in acad. Cant. vice-can., et Humph. Tindall, S.T.D., salutem. Sciatis quod dedimus vobis potestatem et auctoritatem recipiendi sacramentum Roberti Payton, armigeri, vice-com. Cant. et Hunt. juxta formam cujusdam schedulæ presentibus interclusæ. Et ideo vobis sub fide et dilectione quibus nobis tenemini firmiter injungendo mandamus, quod sacramentum prædictum recipiatis, et cum illud sic ceperitis, nos tam de sacramento illo, quam omni eo quod inde feceritis in cancellariam nostram, in quindena Paschæ proximo futuro, ubicunque tunc fuerit, sub sigillis vestris distincte et aperte constare faciatis, hoc breve una cum schedula prædicta nobis remittentes. Teste meipsa apud Westm. 16 die Martii, an. reg. nostri 29°. Car. Gerrard et M.

Dorso, per dominum cancell. Angl.

Exceptions taken by T. Wendye, esq. to an oath offered unto him by the vice-chancellour of Cambridge, for the preservation and mayntenance of the liberties and privileges of the said University of Cambridge.

1. That the oath contayneth no limitations of tyme: yt ys to continue his life that taketh yt.

2. There is contayned in one of the charters granted to the Universitie, that the sheriffe shall not, by virtue of any processes directed unto him, deliver any man committed by the vice-chancellor; yet the sheriffe, at the tyme of the

taking of his office, taketh an oath faythfully and truly to execute all the processe directed to him during his office: the contrariety being manifest, ther ys no safety to take an oath.

3. In the same charter ys contayned, that yf a layman strike a scholer, he shall be imprisoned, and yeild satisfaction at the discretion of the vice-chancellor: if a scholer shall strike a layman and be imprisoned, he is to be delivered when the vice-chancellor shall call for him, and make satisfaction at the discretion of the vice-chancellor: wherein the rule of equity being not observed, yt were dangerous to mayntain yt by an oathe.

The reply of the Universitye of Cambridge to the exceptions of Mr. Tho. Wendye, concerning the sheriffes oath for the mayntenance of the Universitye privileges.

1. The first exception, th'universitie sayth, that an oath in matters mere civill ys no further to be stretched then either in the forme of the oath ys expressed, or by lawe ys established, or by necessary circumstances may be employed. Now Mr. Wendye granteth (as most true yt ys) that the forme of the oathe doth not expresslye bynde duringe life; and the Universitye sayeth, no more doth any lawe of hed-borowes, churchwardens, constables, bayliffs, maiors, stewards, justices of peace, and other such like, are understood only during the tyme of such their offices: so ought this likewise of the sheriffe. And that appeareth also by the very plain words of the oath; for wheras every sheriffs oath begineth thus: *Yow shall swere that well and truly yow shall serve the quene in the office of sheriffe, etc.;* the particular addition for the Universitye followeth immediately in these words: *and also yow shall swere, that the masters and the scholers of the Universitye, etc. yow shall kepe and defend, etc.* Now this word *also* implyeth

the like condition as afore, viz. in the office of the sheriff. Again, other words of the oath import as much; for the oath sayth, *He shall punish the disturbers and breakers of the peace ther, etc.:* which being out of office he cannot do. And that this is the true meaning of that and all like oathes, the Universitye referreth to the wyse and indifferent jugement of the learned in the lawes. And yet, *ex superabundanti*, th'universitye addeth, that of all other men, Mr. Wendye should least have made this exception; who having bene sometyme a scholer in the Universitye and ther matriculated, was sworn in express words to maintayne the Universityes privileges during his life.

2. To the second the Universitye replyeth, that the pretended contraryety ys not well collected, for yt ys a common and known rule in lawe, *in toto jure generi per speciem derogatur;* so that although the first part of his oath be generall, to execute all process directed to him, yet the second part, bynding him to observe the Universitye charters, ys an express limitation to the first. And albeit the second oathes were wholy omitted, yet could not the generall words of the first sufficiently warrant him to execute ordinary writtes in places exempted; and that is evidentlye seen in daylye practice thoroweout the realme, as here within the isle of Ely, in Kent, within the Cinque Ports, etc.: and as for the Universitye privileges, the law doth flatly prohibit him so to deale against them. That law we say, which of all politick lawes ys in this realm of highest nature, that ys the act of parliament wherby all our privileges and charters are confirmed. So that the sheriffe, under colour of the generall words of his oath, execute his ordinary writs against those charters: and yf he should attempt so to doe, he should in very dede violate the true meaning of his oathe, wherby he is tyed to the due executing of the lawe. *Nam id demum possumus, quod jure possumus.* And the breach of the lawe is the

breach of oath in him that ys sworne to observe the lawe.

3. The last exception semeth to be made out of season; for yt concerneth not the inconvenience of the oath, but yt fyndeth fault with her majesties grant, confirmed and established by the consent of the realm; a thing hardly standing with the good dutye of a mean subject. For albeit at the making of a lawe yt be very requisite to consider what equity or iniquity may be therin; yet when the lawe ys once sett down and enacted, there ought to follow obedience without dispute. Neither doth the sheriffes office consist any whitt in making of lawes; but in due executing of lawes that be made. Nevertheless, to satisfye Mr. Wendye touching this point, th'universitye sayth, ther cannot justly be founde any want of equity in this charter, or in the acte of parliament that hath confirmed it. For what doe the words of the privilege implye? Verily no other, but whether the scholer be plaintiff or defendant, the matter shall be judged by the chancellor. And ys not the lyke course observed in the chiefest ordinary courts of this realme? Wher be chancery men usually sued but before the lord chancellor? and wher can exchequer men be ordinarily impleaded but before the juges of that court? And to come down to meaner places, even to Cambridge towne, we see dayly that controversies rysinge between townsmen and foreiners, each party sueth and ys sued before the maior; and yet are none of these tryals accompted against the rule of equitye, so as the juges be such as have the fear of God. And in this case of scholers, yf want of indifferency were to be feared by reason of the persone that jugeth, the towns men being but handycrafts men were rather to be suspected [than] th'universitye chancellors, who are such as from their childhood have bene trained up in all godlye and liberall knowledge.

[From MS. Harl. no. 7041, p. 160.]

A declaration made to the lord treasurer, touching the suyte of the oathe of the sheriffe, by Mr. D. Perne.

THIS is the fourth tyme, right honourable, that I have bene sent from the University of Cambridge to wayt upon this honourable table for the lyke cause; and these have bene the orders taken at all thes tymes. The first was in the tyme of good king Edward the Sixth; when the maior of Cambridge and the under-sheriffe had let out of prison such prisoners as were taken in the night watch by the proctors of th'universitye. The good kinge did then send to his councell his godly schoolmaster, sir John Cheke, requiring them to tender th'universitye of Cambridge, as they loved him. What order was taken doth here appear under their hands.

2. The second tyme was when the townsmen had delivered Searle out of prison; for the which the said Searle and Slegge, Wallis and Dormer, were committed, some to the Fleet, some to the Marshalsye, as my lord treasurer doth know. For the which justice the quenes majesty did thank the old lord treasurer hartelye.

3. The third tyme was when yt was thought good, not only to the lordes of her majesties privy councell, but also to all the aldermen of the town of Cambridge, and Slegge and Kimball only excepted, for the avoyding of the continuall contention and difference betwixt the Universitye and the towne, to reduce both the bodies of the Universitye and the towne to be governed under one hedd; that ys the chancellor of th'universitye: which effect of a godly union was then only hindred by the said Slegge and by Kimball, then maior, yet ruled by Slegge.

4. This last tyme and present tyme I am sent lykewise by the said Universitye; for that the two last sheriffs, Mr. Wendye and Mr. Payton, had not only refused to take the

antient oath (part of the sheriffes oathe), in contempt of 12 of your honours lettres, but also for breaking of the princes charters, yeven for the mayntenance of the peace and quiet studies of the Universitye; the which oathe I am perswaded that Mr. Wendye would have taken, yf he had not bene otherwise perswaded by Mr. Payton, now high sheriffe, and other such freemen of the towne of Cambridge; and that Mr. Payton would not have refused simply to take the said oath for the preserving of the charters of the Universitye (the which oath [he] did take with a protestation, as Mr. Dr. Hussye and one Peterson have reported and confessed openly before my lordes grace of Canterbury), nor yet would have sent his sonn from his learning from th'universitye, because, as he sayd, he would not have his eldest sonn sworn to the liberties of th'universitye, who might be called to be sheriffe after him, if that Mr. Slegge, his oaste of Cambridge, had not bene so great of all his councell. But God called that sonn before he was sheriffe; for that there have bene more suytes and breaches of our charters in thes two sheriffs tymes, in eyther of th'universities, then have bene many dayes before. The Universitye of Oxford have obteyned their sheriffe to be quietlye sworne, as he hath bene heretofore; so the Universitye of Cambridge doth most humbly pray your honour that the sheriffe of Cambridgeshire hereafter may be likewise sworne to kepe the privileges of the Universitye. And although the maior of the town of Cambridge (of which corporation Mr. Payton ys a sworne man) have most cruelly burned both this and the rest of our antient privileges of the Universitye, which cannot therfore now originally be shewed, because the freemen of Cambridge did malitiously burn them, as appereth of antient record to be shewn; yet the University of Cambridge doth humbly praye that the causes being like in both Universities, and the antient copies of the said charters being all one, and

the antient record in the crown office doth make yt an evident part of the sheriffs oath, as well of Cambridge as of Oxford, that the said sheriffs may be lykewise sworn herafter for the kepinge of the charters of the Universities. And so shall we of both the Universities dayly praye to thallmightye God for your honours godly longe preservation.

Your honors faythfull and daylye orator,

ANDREW PERNE.

[From MS. Harl. no. 7041, p. 153.]

The copye of the councels lettre to Mr. Wendye for his contempt.

AFTER our hartye commendations: wheras we did direct our lettres unto yow this last sommer (yow being then high sheriffe of Cambridge and Huntingdonshire) for the takinge of an antient oathe for the preservation of the princes charters and privileges of the Universitye of Cambridge; the which lyke oathe, as we do understand to be duly taken by the sheriffe of Oxford and Berkshire, so are we credibly enformed, by the humble supplication of the vicechancellor, the heddes and masters of colleges of the Universitie of Cambridge (remayning with us under your hands), that yow, Mr. Wendye, being a scoler, and sworne (as we are enformed) to maintain the privileges of the said Universitye of Cambridge, hath not only disobeyed our lettres, being signed with the hands of twelve of us (as by the same did playnly appear unto yow), but also since the receipt of our said lettres, have not onlye not mayntayned, but hath wyllyngly infringed our said antient charters, confirmed by act of parliament, by removing one Woodward out of prison, contrary to the said most antient and necessary charters and privileges, and to the great injurye and prejudice of the good and quiet goverment of the Univer-

sitye herafter, yf this contempt done by yow should be suffered; which thing hath not bene seen or attempted against the said Universitye in the memorye of man before this tyme, to the evill example of all your successors sheriffs of that countye. These shall be therefore to require yow presently to make your personall appearance before us, to make answere to your said contempt of her majesties charters and our lettres; whereof we will yow not to fail. Fare you well. From the courte, the 14th of March, 1586.

Your lovinge frends,

Jo. Cant.	W. Burghlye.
Cha. Howard.	Jea. Crofts.
T. Bromley.	Geo. Shrewsberrye.
T. Hunsden.	F. Walsingham.
R. Leycester.	J. Woollye.
H. Cobham.	

DECREES OF THE HEADS.

Jan. 11 and 13, 1586.

Whereas it is ordered and declared by the book of advertisements, made and set forth by good authority, that if any preacher or other utter any matter tending to dissention, or to the derogation of the religion and doctrine received, or against any rite or ceremony by authority allowed, or note particularly in preaching or keeping common place any person or persons, no man openly shall contrary or impugn the said speech so disorderly uttered, whereby may grow offence and disquiet of the people; but complaint shall be made by such as conceive just grief and offence to those that are in authority within one month after any such offence be committed.

Master John Copcot, doctor in divinity, vice-chancellor of the University of Cambridge, with the assent of all those whose names be underwritten, for the better observing of the said advertisement, and avoiding of further inconveniences, straightly chargeth, that no person taking any such offence by words uttered, shall in the pulpit, or other common place as of set purpose, openly impugn or contrary, or by particular reprehension note or describe any person or any such speech disorderly uttered, except he or they so offended shall first by the chief magistrate and head officer of the place where such fault or offence shall be committed, be thereunto appointed or licensed, upon pain and contempt, and to be punished at the arbitrement of the said magistrate where the offence shall be committed.

Dnus. procancellarius.	Mr. Preston.
Dr. Perne.	Mr. Chaderton.
Dr. Bell.	Mr. Nevell.
Dr. Goade.	Mr. Monsay.
Dr. Norgate.	Mr. Jegone.
Dr. Legg.	Mr. Farr.
Mr. Barwell.	Mr. Canffield.

1. Item, at that time it was then ordered that no bachelor, being scholar or pensioner in the scholars commons in any house, shall wear any silk in the facing of his gown or in other his apparel, nor stand in the schools in any other gown than his degree doth require; and that none shall wear any colored neyther stocks.

2. Item, that all and singular bachelors and questionists shall come from their several colleges at all publick disputations and other scholastic exercises in their habits and hoods.

3. Item, that the questionists of this year, and all other bachelors, do cause all such their hoods as they usually wear upon their gowns to be of such fashion and

largeness as they have been in times past, upon pain of six shillings and eight pence to be levied of every one that shall offend in any part of any of the premises mentioned in the former articles.

4. Item, it is likewise ordered that no bachelor or scholar shall presume to sit by any master of art in any church at sermons, or at any lectures in the schools, or upon the forms before the pulpit in saint Maries church, or upon the seats before Mr. mayor, or in the quire; nor stand upon the seats, forms, stalls, or desks, in the common schools, at any scholastical exercises; nor shall in any scholastical act or reading knock, hiss, or make any noise, to disturb, lett, hinder, or to break off any scholastical act, which, by order of the schools, is left in the discretion of the senior of that company and the bedels; upon pain that every of the offenders in any of the premisses being *adultus* shall presently pay three shillings and fourpence; and being not *adultus*, to be openly corrected in the common schools with the rod.

Decr. Præf. in Univ. Stat., p. 467. Buckle-book, p. 419.

CONTINUATION OF THE DISPUTE

RELATING TO THE SALE OF WINES.

THE EARL OF LEICESTER TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7041, p. 156.]

To my lovinge frend Mr. D. Copcote, vice-chancelour of the Universitye of Cambridge.

After my very hartye commendations; whereas I am enformed that above the ordinary numbre of vintners by yow appoynted in the town of Cambridge, there ys one

Jo. Kemer, which, without your licence and consent, taketh upon him to exercise the trade of a vintner there, and farther opposeth himself against yow, seeking by all meanes to infringe the antient liberties and charters of your Universitye, and that contrary to all lawe and right, as I have been thorowlye resolved, partly by the judgment of both the lords chief justices, sett down under your handes, touching the validity and force of your charter, and partly by the sight of your evidences, wherein yt appeareth that not only the nomination of such as sell wine within the said town of Cambridge, but also the government, correction, assize, and assaye, both of bread, wine, etc., belongeth unto you; having considered that yt ys a thing appertaining to my charge (being high steward of your Universitye) to defend and preserve the liberties and charters thereof, I have thought fit to praye you and require yow, that yow do not only take present ordre for the putting down of the said Kymers trade of occupyinge, and suffer him not from henceforth to sell any wyne within the said towne, but also that you do still exercise, uphold, and mayntain the privileges granted you by charter according to your antient customes from the tyme of kynge Richard the Second hitherto, as yow are by dutye and oathes specially bound to do; and I, for my particular charge and office amongst you, will joyne with yow, and assist yow therin to the uttermost I maye. And so I bid yow hartelye farewell. From the courte at Grenewiche, this last of Feb. 1586.

Your deare lovinge frend,

R. Leycester.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 51, art. 58.]

Honoratissimo domino, domino de Burghley, supremo ærarii Anglici quæstori, et summo academiæ Cantabrigiensis cancellario.

Dici facile non potest (honoratissime Burghleiensis) tuone honori in hac tam diuturna petitione molesti magis, an a pudore nostro magis in ea alieni jamdiu exstiterimus. Quod sane nos utrumque quamvis invitissimi faciamus; facimus id tamen confidentius adversariorum nostrorum sedulitate plane importuna excitati, qui quidem cum in re perdita et profligata nullum lapidem immotum sinant, neminemque adeo patronum cujus patrocinio ad literarum perniciem abuti possint prætermittant intentatum, quanta nos alacritate divinum auctoritatis tuæ subsidium in optima nostra causa flagitare par est? Tuum utique subsidium, quod nostris semper et precibus paratissimum et rationibus longe commodissimum experti sumus, idque in ea maxime causa quam et leges ipsæ imprimis esse legitimam aperte clamant, et amplissimi viri supremi totius Angliæ justiciarii undiquaque justissimam conspirantibus sententiis sunt attestati. Quorum nos gravissimum de re tota judicium tametsi non dubitamus quin adversus inimicorum partes certissimo præjudicio esse debeat, tuæ tamen hoc imprimis prudentiæ moderandum commendamus, et ab honore tuo majorem in modum petimus, tute ut huic universæ quæstioni cum honoratissimo Leicestrensi (a quo literæ jam nostræ id contenderunt) et interesse et præesse velis. Est enim pæne dictu incredibile quam mirifice salutari præsentia ut et jucundissimo aspectu tuo bonæ literæ recreari adeoque confirmari soleant, quem si quando suis rebus non adesse sentiunt, jacent illæ prorsus in squalore et pulvere, et tanquam infelices filiolæ paterno præsidio destitutæ, nihil aliud possunt præterquam orbitatem suam conqueri ac deplorare. Tu igitur (clarissime Burghleiensis)

averte a musis has lacrimas, et qua res nostras caritate semper complexus, egregia fide et constantia tutatus es, eas eadem etiamnum caritate complectere, eadem fide et constantia tuere, ut qui cætera pleraque academiæ nostræ privilegia nostraque fere omnia tuæ auctoritatis præsidio multis jam annis debuimus, istam etiam vinarios nominandi libertatem nosque adeo ipsos eidem honoris tui patrocinio totos imposterum debeamus. Plura nos ab honore tuo per literas alioqui petituros sancta musarum nostrarum verecundia non permittit, ne nimis illæ multa scribendo molestæ, petendo importunæ videantur. Cætera itaque fusius explicanda tabellario nostro relinquimus, tuamque amplitudinem nobis reique publicæ quam diutissime incolumem conservandum Deo optimo maximo etiam atque etiam commendamus.

Honori tuo perpetuo devinctissimi,

Procancellarius et præfecti collegiorum Cantabrigiæ.

SUIT OF THE UNIVERSITY.

[From MS. Lansd. no. 51, art. 59.]

The suit of the Universitie of Cambridge.—1586-7.

Whereas the vintiners of the Universitie of Cambridge are impleaded in the exchequer by one Bonny for the sellinge of wine above the price; to the which the Universitie haith laied in their answere, by the advice of Mr. Cooke, and allowed by the master of the roles; and soe your honour willed the said plea to be putt into the exchequer, the which was done accourdingelie; and after that the said Mr. Cooke amended the said plea, and did put it into the said courte, but Mr. atturney will not admitt of the same, except I woulde give my promisse to him that the Universitie should deliver one Keymer owt of prison, who for sellinge

of wine in Cambridge contrary to our charters (as it was prooved before the two lord cheife justices), and for other misdemeaners, was imprisoned by your honours vice-chaunceller; who although that he was presentlie delivered owt of prison upon the said condicion, yet notwithstandinge the said condicion being truly performed, neither the lord cheife baron nor Mr. atturney generall will admitt of the Universities said plea, except we further agree with the said Keimer, who is a stranger to this action of Bonny. But it is neither Bonny nor Keymer that dothe followe this matter againste the Universitie in the exchequer, but Mr. Browne, under Sir Walter Rawly his title; the which Mr. Browne haith nowe referred the whole matter to the determination of Mr. atturney generall and to Mr. solliciter, to whome the Universitie desireth of your honour that the atturney of the duchie may be joyned; and that it would please your honour to write or to speake to the said arbitrators, that the said plea laid into the exchequer alreadie may be allowed by them, the which thinge (as Mr. Cooke saith) can not in justice be denied to any private man of the quenes subjects: and then, savinge the liberties graunted to the said Universitie, as shalbe shewed unto them, the vintiners of the Universitie wilbe content, for the avoidynge of any further suite and molestation, to give to the said Keymer what the said arbitrators shall thinke convenient. The Universitie of Oxford beinge this laste yere likewise impleaded in the exchequer for sellinge of wine above the price, was dismissed at the firste by my lorde of Leicester his good meanes. Wherfore our truste is, that the Universitie of Cambridge shall receive the like favour for the maintenaunce of their right by your honours good meanes at this time; the which may breed a perpetuall quietnes to the Universitie hereafter. And if they may be suffered to breake our privileges at this time, the which we have quietlie injoyed these two hundred yeres

and more, your honour beinge our moste lovinge chauncellour and carefull preserver of our privileges, we shall never hereafter reste in quietnes in the Universitie for processe owt of the exchequer. And thus shall your honour binde the whole Universitie to pray for your honours longe preservacion in honorable prosperitie, and to applie to our studies with all diligence and quietnes.

Your honours moste bounden suppliantes.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 51, art. 61.]

Honoratissimo domino, domino de Burghly, supremo ærarii Anglici quæstori et academiæ Cantabrigiensis cancellario semper amantissimo.

Si quanta tuorum erga nos meritorum semper fuit amplitudo (clarissime Burghleiensis), tanta nobis officii studiique nostri adversus honorem tuum testificandi daretur aliquando facultas: nihil profecto prius aut antiquius haberemus, quam ut omnes quamprimum cognoscerent et tuam singularem in beneficiis conferendis humanitatem, et nostram in gratiis referendis non obscuram diligentiam. Ita enim nos nostrasque fortunas præclare jamdiu tutatus es, ita rem literariam feliciter ubique promoves et musarum rationibus mature consulis, ita nos patrocinii tui propugnaculo tanquam muro quodam aheneo defendis, et academiæ clavum perite tenes, ut omnibus inimicorum injuriis depulsis sub tuæ auctoritatis clypeo tuti agamus, omnibus rerum adversarum tempestatibus emersi, te proram puppimque dirigente, tanquam in portu navigemus. Quod quidem singulare tuum bene de nobis merendi studium, ut antea sæpissime, ita nuper in causa nostra vinaria nobis abunde constitit: quam non præsens solum viva voce et gravissimo tuo suffragio jam ante ornares, sed absens etiam

internuntiis ac literis tuis honorificentissimis amplissimo viro principi ærarii (secundum honorem tuum) tribuno commendare dignatus es: ut quibus rebus nostris coram ipse interesse non posses, eis tamen opem atque operam tuam neutiquam defuisse, auctoritatem porro non adfuisse solum, sed præfuisse etiam intelligeremus. Itaque (honoratissime Burghleiensis) ita tibi gratias agit academia, ut omnibus se rebus ab honore tuo non conservata solum, sed etiam ornata; Deumque optimum maximum assiduis precibus obtestatur, tuam uti amplitudinem summis honoribus undiquaque ornatissimam sibi totique reipublicæ quam diutissime vicissim servet incolumem. Cantabrigiæ, 16 Kalend. Aprilis, anno 1586.

Honori tuo perpetuo deditissimi,

Procancellarius et collegiorum præfecti.

GRACE OF THE SENATE.

Jul. 8, 1586.

Quum æquitati et justitiæ regulæ consonum videatur, ut collegium Emanuelis, nuper ædificari cœptum, et jam prope absolutum, tam ad onera academiæ ferenda quam ad suscipiendos honores et emolumenta ejusdem assignetur, et inter cætera collegia in profatis muneribus et commodis suo ordine collocetur et numeretur:

Placet vobis, ut dominus vice-cancellarius et singuli præfecti omnium collegiorum domi præsentes et, in eorum absentia, eorum substituti et vices gerentes, cum socio cujusque collegii maxime seniori tunc præsente, jam receptum ordinem, formam, et seriem procuratorum, taxatorum, et scrutatorum nominandorum hujus academiæ, necnon ordinem et formam combinationis in disputando et respon-

dendo in qualibet facultate et concionando diligenter inspiciant; et pro sua prudentia, tam quoad prædictum Emanuelis collegium, quam quoad cætera collegia, corrigant, emendent, constituant, et assignent, sic ut id ratum et pro statuto habeatur, quod major pars eorum, cum consensu domini procancellarii, per manuum suarum subscriptionem decreverit ante primum diem proximi termini; et quod collegium nullum aliquem ad aliquod prædictorum munerum aut officiorum nominabit aut eliget antequam præfati delegati hoc suo commissionis munere defuncti fuerint, et illud coram senatu publicaverint, exceptis illis qui in præsenti ad officia procuratorum, taxatorum, et scrutatorum futuri anni per collegia electi sunt et nominati.

STURBRIDGE FAIR.

DR. PERNE TO LORD BURGHLEY.

[From MS. Lansd. no. 51, art. 62.]

A certificat of that was done before Mr. attorney and Mr. soliciter for the booke of Sturbridge fayer, betwixt the Universitie and the towne of Cambridge, 13 Martii, 1586.

Pleaseth your honorable good lordeshippe to be advertised, that wheras on the xiijth day of this moneth of March ther was a metinge appointed by your honours commaundement before Mr. atturney generall and the quenes majesties solicitour, as well for the finisshinge of the booke of Sturbridge faire betwixt the Universitie and the towne of Cambridge, as also for the longe suite dependinge in the exchequer for the vintiners of the said Universitie and one Bunie; ther did then meete at Mr. atturneis lodginge, for the townes parte, my lord North, Mr. atturney generall beinge of the fee of the towne, Mr. maiour of Cam-

bridge, Mr. Slegg, and Mr. Searle their lawyer; and for the Universitie ther did meete then Mr. solicitour, Mr. atturney of the duchie, Mr. Yelverton, Doctour Pern, and Mr. Baxter. At what time was objected by the counsell of the towne against the provisoe made by Mr. Brograve for the savinge of the Universities priviledges, to be put into the townes booke, that it did extend further then the graunt of Sturbridge faire to be made to the towne. Yt was then answered, that forasmuch as in the beginynge of the booke drawen by the towne for the conveiance and assurance to them of the said Sturbridge faire, ther was pretended certaine auncient grauntes of the said faire from the time of kinge Henry the Firste, king John, and kinge Richard: the which grauntes, nor any exemplification therof, they did confesse they had not to showe; but these were put in by him that did penn their booke for them; which beinge untrewe, and prejudiciall to her majesties honorable graunt to be made nowe to the said towne, by reason of uncertaine generalities as might be conteined in the said graunte, and also to the injurie of the Universitie, and of other former corporations havinge grauntes of faires and of other liberties; as Lynn, Grantham, Ely, Stamford, and others. Besides, for the omittinge of makinge anie mention in the said graunte not onelie of the forfeiture and seisure of all the liberties of the towne by parliamente in the 5 yere of kinge Richard the Seconde his raigne, for their moste malicious insurrectiones againste the said Universitie; but also of the seasure of the said faire by a *quo warranto*, sued by sir John Baker, atturney generall in the time of kinge Henry the Eight. Yt was therefore resolved of then by Mr. atturney generall and by Mr. solicitor, before my lord Northe and others aforesaid, that their said booke makinge no mention of these two forfeitures, should be restrained plainelie and onelie to the graunte of her majestie for Sturbridge faire onelie; and so the Univer-

sities proviso then to extend onelie to Sturbridge faire, or elles that the Universities proviso to remaine generall as it is nowe: and for the wordes *ordinationes et decreta* in the said proviso, as the Universitie neither haith nor desireth to have therbie anie newe thinge unlawfull, but onelie such lawfull thinges as haith bene continued by the moste parte of xx^tie^ yeres laste paste, as it is agreed before; soe doe we of the Universitie desire that the towne may not have anie further auethoritie to make newe ordinaunces to the prejudice of the Universitie. And whereas the towne did at this time object againste the Universitie booke, the interpretation of this worde *scrutinium*, that it doth not properlie signifie a watche; meaning therby to challenge to the towne the night watch; the which the Universitie (as your honor and all men that haith bene of the Universitie knoweth) haith onlie had these cc. yeres, and the which is in plaine Englishe sett downe in the book for Sturbridge faire, subscribed by your honors hand, my lord of Leicesters, my lord Northes, Mr. Slegges, and others of the Universitie and the towne. And finallie, notwithstandinge all the doubtes in the whole booke of the Universitye for Sturbridge faire was, after longe deliberacion, agreed uppon and subscribed by the handes of my lord North, Doctour Pern, Doctour Bynge, Mr. Slegge, Mr. Foxton, Mr. Baxter, and Mr. Searle; yet they object that this worde *ac* is put in since the agrement, though it be not greatlie materiall the which; yett it doth appeare plainely that it was in the said booke at owre agrement. All which thinges for the booke of Sturbridge faire beinge thus referred to Mr. atturneie for the towne, and to Mr. solicitour for the Universitie, wee did desire (then beinge also the day for that matter appointed) of Mr. atturney and Mr. solicitour that the costelie and troublesome suite for the sellinge of wines in Cambridge, comensed by one Bunie in the exchequer, might likewise be hard and receive some quiet end or

certaine issue. Yt was answered by Mr. atturney and by Mr. solicitour, that Mr. Browne had bene with them excusinge him selfe (as heretofore) that his leasure would not serve him to be at the hearinge of the same, notwithstandinge your honours and my lord of Leicesters lettres written to them, both in the favour of the Universitie; the which haith depended above two whole yeres in thexchequer and elles where owte of the Universitie; which never was sene before, that the Universitie, for matters perteininge to the clerkshipp of the markett, should be called into thexchequer (or before any other judge, but onely before the chauncellour of the Universitie) where hathe been spent, besides the great losse of time and disquiet of owre studies, above the some of eight score poundes: all which the premisses wee doe wholie referr unto your honours wise and godlie consideration. Lambeth, this 18th of March, 1586.

Your honours moste humble and dayly orators,

ANDREW PERN.
JOHN BACSTER.

PROPOSAL RELATING TO THE JUSTICES OF THE PEACE.

[From MS. Lansd. no. 51, art. 63: one or two passages in this note appear impossible to decipher.]

Reasons to have justices of peace of the University. 21 Martii, 1586.

THE inhabitantes within 5 miles have great benefitt by the privileges of the Universitie, but retorn no benefitt; nor the justices do not make provision for the markett, therfor nedful some to joyne with them, not to injurye any man, or to troble the scholars and their studys with common matters of peace, other then for the good government of the Universitie.

For the avoiding of the rule and . . . . . with-

in the precinct, to the hurt of yong studentes and breach of their charters, which they can not remedye; their liberties extending but one myle compasse about the Universities.

If for misdemeanor or disobedience to the vice-chancelor, he be called before him, and carry him self amiss, wry, despightfull.

The most of the landes of the colleges within the shire of Cambridg, and therfore in sutes with gentlemen of that county, great hindrance for want of some of ther owne body to joyne in commission with the other.

To have ij. burgesses in parliament, expedient for the necessary defence of the liberties of the Universitie; lest any thing, through untrue informacions or ignorance of some thinges, might be enacted or pretermitted to the hindrance of the Universitie.

The request hurtful to none, verie beneficial to them to grant it, till there be occasion given to the contrary.

21 Martii, 1586.

The number of schollers and necessary minesters of colleges of the Universite of Cambridg, 1500.

Every one a peck of corn weekly allowed, spendes every week 46 quarters, 7 bushells; and so spendes in 25 weeks . . . . . corne; corne in all, 1171 quarters and 7 bushells.

The number of inhabitantes in the towne of Cambridg out of the colledges, 4990.

Every one allowed a peck weekly: 202 quarters, 6 bushells, 2 peckes; and so, in 25 weeks, 5070 quarters, 2 bushells, 2 peckes. And allowing but half the quantity for drinke, shall spend in the said 25 weeks 2565 quarters, 1 bushell, 1 peck of malt; which weekly is 23 quarters, 3 bushells, di.

The justices appointement for the provision of the markett of Cambridge in wheat, weekly, is but 6 combs and 3 bushells; as appears by the taxers bills.

And of barly, malt, and pease, is 63 combes, 3 bushells; wherbie appears that some of the justices within 5 myles have made no certificat of provision for the said markett.

TRIAL RELATING TO THE SALE OF WINES.

[From MS. Arundel, no. 54, fol. 230, r°.]

Processus coram baronibus scaccarii contra Johannem Baxter, Universitatis bedellum, in causa informationis pro retallatione vini excessivo pretio contra formam statuti.

Memorandum, quod Hugo Bonnell, de parochia sancti Clementis Dacorum, London. yeoman, qui tam pro domina regina quam pro seipso sequitur, venit coram baronibus hujus scaccarii, xxv^to^ die Januarii hoc termino, in propria persona sua, et tam pro eadem domina regina quam pro seipso dedit curiæ hoc intelligi et informari, quod quidam Johannes Baxter, de villa Cantebrigiæ, *vintener*, inter primum diem Februarii ultimum præteritum et diem exhibitionis hujus informationis, apud villam Cantebrigiæ, in comitatu Cantebrigiæ, vendidit et utteravit per retalliam per parvas mensuras, videlicet, per *les pint*, *quart*, et *pottell*, diversis personis, quorum nomina præfato Hugoni Bonnell adhuc incognita existunt, centum *pint* vini Vascon. vocati *claret wine*, centum *quart* vini Vascon. vocati *claret wyne*, et centum *pottell* vini Vascon. vocati *claret wine*, ad majora pretia quam per diversa statuta limitatur et assignatur; videlicet, pro pretio cujuslibet *pint* inde iij^d·^; pro pretio cujuslibet *quart* inde vj^d·^; pro pretio cujuslibet *pottell* inde xij^d·^; contra formam diversorum statutorum in hujusmodi casu editorum et provisorum. Unde prædictus Hugo Bonnell tam pro dicta domina regina quam pro seipso petit avisamentum curiæ in præmissis, ac quod prædictus Johannes Baxter forisfaciat mille et quingentas libras legalis monetæ An-

gliæ, videlicet, pro qualibet mensura prædictarum separalium mensurarum vini prædicti sic per ipsum ut præfertur vendita et utterata per retalliam in forma prædicta contra formam statuti prædicti vi^li^, quodque ipse idem Hugo Bonnell medietatem inde habere valeat juxta formam statuti prædicti, ac quod prædictus Johannes Baxter veniat ad respondendum in præmissis. Super quo, concordatum est quod mandetur præfato Johanni Baxter per breve dominæ reginæ nunc sub sigillo hujus scaccarii essendi hic, etc. ad respondendum in præmissis, et hoc sub pœna centum librarum quas, etc. si non, etc.; et præceptum eidem Johanni in forma prædicta ita, etc. a die Paschæ in xv. dies. Ad quem diem idem Johannes Baxter venit hic per Godfridum Fanshaw ejus attornatum, et petit auditum informationis prædictæ, et ei legitur; qua audita et per ipsum intellecta, quia non est plenarie avisatus ad præsens ad respondendum dominæ reginæ in præmissis, petit ex gratia curiæ diem sibi dari citra quem, etc. Quod ei concessum est, et super hoc datus est dies hic præfato Johanni Baxter eodem statu quo nunc usque octavis sanctæ Trinitatis, ad quem diem idem Johannes Baxter venit hic per attornatum suum prædictum, et habet diem ulterius ex causa prædicta usque octavis sancti Michaelis. Ad quem diem Johannes Baxter venit hic per attornatum suum prædictum, et queritur se colore præmissorum in dicta informatione specificatorum graviter vexatum fore et inquietatum, et hoc minus juste, quia idem Johannes Baxter (protestando quod ipse inter primum diem Februarii in dicta informatione specificatum et diem exhibitionis ejusdem informationis apud Cantebrigiam prædictam non vendidit seu utteravit per retalliam per parvas mensuras in dicta informatione nominatas, seu per earum aliquam, aliquid vinum Vascon. vocatum *claret wine* ad prædicta separalia pretia in eadem informatione specificata contra formam statuti prædicti) dicit quod curia dominæ reginæ hic placitum

illud ulterius cognoscere non debet, quia dicit quod Universitas Cantebrigiæ in comitatu Cantebrigiæ est, et a tempore quo non exstat memoria fuit antiqua Universitas, quodque dominus Ricardus nuper rex Angliæ Secundus per litteras suas patentes magno sigillo suo Angliæ sigillatas hic in curia prolatas gerentes datum apud Westmonasterium in comitatu Middlesexiæ, xvij° die Februarii, anno regni sui quinto, recitando quod cum ad regni cujuslibet justum regimen, nominis exaltationem et honorem, et stabile fulcimentum, studium et exercitium artium liberalium inibi existentium summe necessaria et quamplurimum opportuna, cumque quodlibet regnum ubi hujusmodi vigeant studium et exercitium, rectius regitur in prosperis, et salubrius dirigatur in dubiis et adversis, et ubi excrescit abundantius copia clericorum, ibi juxta antiquorum assertiones (quas veras idem nuper rex reputavit) constat venerabilem militiæ ordinem plus vigere: idem nuper rex ad præmissa sollicitam debitamque considerationem impendens, volensque pro incremento et perfectione hujus studii in venerabili Universitate sua Cantebrigiæ, ex qua viri magnæ literaturæ et scientiæ laudabiles et conspicui ad regni sui tam commodum quam honorem sæpius processerunt et favente domino procedent in eventu, et ut magistri et scholares ejusdem Universitatis, sedatis litibus et debatis, quæ inter ipsos et laicos dictæ villæ ex charistia victualium et abusu mensurarum et ponderum, et aliis viis et modis quampluribus, fuerant diversimode suscitati, studiis et exercitio liberalium artium prædictarum successivis temporibus se gaudeant eo vigilantius dedicare, quo se successoresque suos fore noverint per ipsum libertatibus et privilegiis communitos de regali munificentia provideri, idem nuper rex, de assensu prælatorum, procerum, et magnatum regni sui Angliæ adtunc in præsenti parliamento ejusdem nuper regis eidem nuper regi assistentium, per prædictas suas literas patentes ordinavit et concessit pro

se et hæredibus suis, et per prædictas literas suas patentes confirmavit, quod cancellarius Universitatis prædictæ et successores sui et eorum vices gerentes soli et insolidum in villa Cantebrigiæ et suburbiis ejusdem extunc imperpetuum habeant custodiam assisæ panis, vini, et cervisiæ, ac correctionem et punitionem ejusdem, cum finibus, amerciamentis, et proficuis aliis inde provenientibus, ac etiam custodiam assisæ et assaiæ, ac supervisum mensurarum et ponderum, in dicta villa Cantebrigiæ et suburbiis ejusdem; ita quod quicunque cancellarius dictæ Universitatis qui tempore fuerit ibidem vel ejus vicem gerens, quoties opus fuerit, dicta mensuras et pondera supervideat, et ea quæ falsa invenerit, comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat, necnon transgressores quos in hac parte invenerit debite puniat et castigat; quodque soli et insolidum habeant potestatem inquirendi et cognoscendi de forstallatoribus et regratariis, et de carnibus et piscibus tam putridis et viciosis et alias incompetentibus in dicta villa Cantebrigiæ et suburbiis ejusdem quam aliis, et super his debitam punitionem faciendi, et gubernationem, correctionem, et punitionem prædictorum et aliorum victualium quorumcunque, simul cum omnibus finibus, forisfacturis, amerciamentis, et aliis proficuis inde provenientibus, reddendo prædicto nuper regi et hæredibus suis annuatim decem libras ad scaccarium suum ad terminos Paschæ et sancti Michaelis per æquales portiones imperpetuum, prout per easdem literas patentes inter alia plenius apparet. Et idem Johannes Baxter ulterius dicit, quod prædicta domina regina nunc per literas suas patentes magno sigillo suo Angliæ sigillatas, gerentes datum apud Westmonasterium prædictum xxvj^to^ die Aprilis anno regni dictæ dominæ reginæ tertio in curia hic prolatas, eadem domina regina per prædilectum consiliarium suum Willielmum Cecill, militem, cancellarium prædictæ Universitatis adtunc, intelligens quod multi scholares in dicta Universi-

tate studentes et commorantes extra Universitatem prædictam per brevia sua ad diversas curias suas arrestantur, attachiantur, trahuntur, et super placitis et transgressionibus prædictis molestantur quotidie et gravantur, ad grave damnum studii et facultatum suarum, ac contra cartam dicti domini regis, et libertates in ea carta ut supradictum est concessas, eadem domina regina pio et quieto studiosorum voto et tranquillitati in hac parte consulere ac providere volens, ac gratiam facere specialem, per easdem literas patentes, ac ex certa scientia et mero motu suis, pro se, hæredibus et successoribus suis, dedit et concessit præfatis cancellario, magistris, et scholaribus, et successoribus suis, imperpetuum, quod ipsi, et eorum loca tenentes pro tempore existentes, coram seipsis habeant cognitionem omnium et omnimodorum placitorum personalium, tam debitorum computorum et quorumcunque aliorum contractuum et injuriarum, quam transgressionum contra pacem ac misprisionum quarumcunque, ut prædictum est, infra villam prædictam et suburbia ejusdem initorum et factorum, sive aliquo tempore imposterum faciendorum sive ineundorum (mahemio et felonia duntaxat exceptis), ubi et quandocunque aliquis magister vel scholaris, vel serviens scholaris, aut communis minister dictæ Universitatis, una partium fuerit, et omnia et singula hujusmodi placita et transgressiones prædicti cancellarius et scholares et eorum loca tenentes et successores sui audiant, teneant, et finaliter determinent, ubicunque infra villam et suburbia ejusdem villæ placuerit, et inde executionem faciant secundum leges et consuetudines suas antehac usitatas, et quod curia dicti cancellarii, magistrorum, et scholarium, super hujusmodi placitis et transgressionibus prædictis sit curia de recordo, et quod de hujusmodi actionibus, querelis, sectis, et transgressionibus, tam ex officio quam ad sectam partis secundum leges et consuetudines prædictas inquirant et cognoscant, audiant, et finaliter determinent, eisdem modo et forma prout ante

hæc tempora usi fuerint, ac tam per amerciamenta secundum sanas discretiones suas imponenda, quam per imprisonamenta corporum delinquentium, contumacium, et reorum, ad compellandos omnes et singulos delinquentes et defendentes in hujusmodi actionibus, querelis, et transgressionibus, comparendis et respondendis in eisdem actionibus, querelis, et transgressionibus; et si aliquis delinquens aut defendens, seu aliqui defendentes seu delinquentes, in aliqua hujusmodi actione, querela, seu transgressione convicti fuerint, vel convictus fuerit, ad compellendos omnes et singulos hujusmodi delinquentes reos et defendentes ad satisfactionem de omnibus unde convicti fuerint, seu eorum aliquis convictus fuerit, secundum leges et consuetudines dictæ Universitatis antehac usitatas, vel secundum statuta hujus regni sui Angliæ jam edita seu imposterum edenda; et quod tam justiciarii ad placita coram ipsa, hæredibus et successoribus suis, tenenda et assignanda, et justiciarii sui, et hæredum et successorum suorum, de banco, quam alii judices quicunque in præsentia et absentia sua et hæredum et successorum suorum, dictis cancellario et ejus successoribus, eorumque loca tenentibus, de omnimodis placitis prædictis allocationem faciant absque difficultate vel impedimento aliquali; et quod nullus justiciarius seu judex in presentia vel absentia sua, hæredum vel successorum suorum, vicecomes, major, ballivus, seu alius minister, de placitis illis seu aliquo eorundem se intromittat, nec partem ad respondendum coram ipsis ponat, sed quod pars illa coram præfatis cancellario et successoribus suis, seu eorum loca tenente, inde solummodo justificetur et puniatur in forma prædicta, et non alibi neque alio modo; et quod omnia et singula brevia super hujusmodi placitis vel transgressionibus contra hanc suam concessionem facta seu fienda sint ipso jure nulla. Et idem Johannes Baxter ulterius dicit quod per statuta in parliamento domini Edwardi nuper regis Angliæ Sexti, apud

Westmonasterium prædictum primo die Martii anno regni sui septimo tento, edita et provisa, intitulata, videlicet, actus ad evitandum magna pretia et excessiva vini, inter alia inactitatum fuit et provisum auctoritate ejusdem parliamenti, quod idem actus seu aliqua res in eodem contenta aliquo modo non foret præjudicialis sive nocua alicui Universitatum Oxoniæ et Cantebrigiæ, seu cancellariis vel scholaribus earundem, aut successoribus suis, vel alicui eorum, ad imminuendum (Anglice *to ympaire*) vel auferendum aliquas libertates, privilegia, franchesias, jurisdictiones, potestates, sive auctoritates, eis vel alicui eorum pertinentia sive spectantia, sed quod ipsi et quilibet eorum, ac sui successores, possent habere, tenere, uti, et gaudere omnibus suis libertatibus, privilegiis, franchesiis, jurisdictionibus, potestatibus, et auctoritatibus, in tali largo et amplo modo, prout si dictus actus nunquam fuisset habitus sive factus; ita semper quod non forent plures sive major numerus tabernarum (Anglice *tavernes*) custoditus vel manutentus infra aliquam dictarum villarum de Oxonia sive Cantebrigia quam possunt legitime custodiri sive manuteneri per provisionem et veram manutentionem ejusdem statuti, aliqua re in dicta provisione mentionata in contrarium non obstante, prout per eundem actum de anno septimo prædicti nuper regis Edwardi Sexti plenius apparet. Et etiam idem Johannes Baxter ulterius dicit quod per quendam actum in parliamento dominæ reginæ nunc apud Westmonasterium prædictum secundo die Aprilis anno regni sui xiij° tento editum, inter alia inactitatum fuit auctoritate ejusdem parliamenti quod prænobilis Willielmus Cecill, baro de Burleigh, adtunc cancellarius Universitatis Cantebrigiæ, et successores sui imperpetuum, magistri, ac scholares dictæ Universitatis Cantebrigiæ, et successores sui imperpetuum, magistri ac scholares ejusdem Universitatis pro tempore existentes, incorporati forent et haberent perpetuam successionem in facto, re, et nomine, per nomen cancellarii,

magistrorum, et scholarium Universitatis Cantebrigiæ, et per nullum aliud nomen, nuncuparentur seu appellarentur imperpetuum; et quod haberent unum commune sigillum ad serviendum pro necessariis causis suis concernentibus dictos cancellarium, magistros, et scholares dictæ Universitatis Cantebrigiæ, et successores suos. Et ulterius inactitatum fuit auctoritate ejusdem parliamenti, quod prædictæ literæ patentes dictæ dominæ reginæ nunc factæ et concessæ cancellario, magistris, et scholaribus Universitatis Cantebrigiæ, gerentes datum prædicto xxvj° die Aprilis anno regni sui tertio supradicto, ac etiam omnes aliæ literæ patentes per aliquem progenitorum seu prædecessorum suorum dictæ dominæ reginæ factæ prædicto corpori incorporato seu aliquibus prædecessorum suorum, per quodcunque nomen seu nomina iidem cancellarius, magistri, et scholares dictæ Universitatis in aliquibus literarum patentium antehac nominati fuerint, adtunc deinceps bonæ et effectuales in lege valentes exstarent, ad omnes intentiones, constructiones, et proposita, dictis nunc cancellario, magistris, et scholaribus dictæ Universitatis, et successoribus suis imperpetuum, juxta et secundum formam, verba, sententias, et veras intentiones singularum dictarum literarum patentium, tam ample, plene, et large, ac si dictæ patentes in præsenti illo actu parliamenti verbatim recitarentur, aliqua re in contrarium inde aliquo modo non obstante. Et ulterius inactitatum fuit auctoritate ejusdem parliamenti, quod cancellarius, magistri, et scholares dictæ Universitatis, et eorum successores imperpetuum, per idem nomen cancellarii, magistrorum, et scholarium prædictæ Universitatis Cantebrigiæ haberent, tenerent, possiderent, gauderent, et uterentur, sibi et successoribus suis imperpetuum, omnimoda maneria, dominia, rectorias, parsonagia, terras, tenementa, redditus, servitia, immunitates, advocationes ecclesiarum, possessiones, pensiones, et hæreditamenta, et omnimoda libertates, franchesias, immunitates, acquietancias, et privi-

legia, visus franci plegii, *les lawdaies*, et alias res, quæcunque forent, quæ dictum corpus incorporatum dictæ Universitatis habuisset, tenuisset, occupasset, seu gavisum fuisset, sive de jure debuisset habuisse, tenuisse, usum fuisse, occupasse, et gavisum fuisse, ad aliquod tempus vel tempora ante confectionem ejusdem actus parliamenti, secundum veram intentionem literarum patentium in eodem actu mentionatarum dictæ dominæ reginæ nunc factarum et concessarum cancellario, magistris, et scholaribus Universitatis Cantebrigiæ, gerentium datum in actu illo specificatum, et secundum veram intentionem omnium aliarum literarum patentium quarumcunque, aliquo statuto vel alia re vel rebus quibuscunque præantea factis sive actis in contrarium in aliquo modo non obstantibus. Et ulterius per eundem actum inter alia inactitatum fuit auctoritate ejusdem parliamenti, quod prædictæ literæ patentes dictæ dominæ reginæ nunc concessæ prædictis cancellario, magistris, et scholaribus dictæ Universitatis Cantebrigiæ in eodem actu specificatæ, ac etiam omnes aliæ literæ patentes per aliquem progenitorum seu prædecessorum ejusdem dominæ reginæ nunc, necnon omnimoda libertates, franchesiæ, immunitates, quietanciæ, et privilegia, letæ, *les lawdaies*, et aliæ res quæcunque, in eisdem expressæ, datæ, vel concessæ dictis cancellario, magistris, et scholaribus dictæ Universitatis, vel alicui prædecessorum suorum, per quodcunque nomen dicti cancellarius, magistri, et scholares dictæ Universitatis in aliquibus dictarum literarum patentium nominati fuerint, virtute ejusdem actus extunc deinceps forent ratificata, stabilitata, et confirmata dictis cancellario, magistris, et scholaribus dictæ Universitatis, et suis successoribus imperpetuum, aliquo statuto, lege, usu, consuetudine, constructione, seu aliqua re in contrarium in aliquo non obstante; salvis omnibus et cuilibet personæ et personis, et corporibus politicis et incorporatis, hæredibus et successoribus cujuslibet eorum

(aliis quam dictæ dominæ reginæ nunc, suis hæredibus et successoribus), omnibus hujusmodi rectis, titulis, interesse, et dimission . . . . rationibus, conditionibus, oneribus, et demandis, quæ ipsi et quilibet eorum tunc habuerunt vel habere debuerunt, de, in, seu ad aliqua maneria dominiorum, rectoriarum, parsonagiorum, terrarum, tenementorum, reddituum, servitiorum, annuitatum, advocationum ecclesiarum, pensionum, portionum, hæreditamentorum, et omnium aliarum rerum in dictis literis patentibus vel in aliqua earum mentionatarum sive comprisatarum, ratione alicujus recti, tituli, oneris, interesse, sive conditionis, eis vel alicui eorum, vel antecessoribus seu prædecessoribus eorum, aut alicujus eorum, devoluti vel accreti, ante separalia data dictarum literarum patentium, vel ratione alicujus doni, concessionis, dimissionis, vel aliorum actus seu actuum, ad aliquod tempus factorum sive actorum, inter dictos cancellarium, magistros, et scholares dictæ Universitatis Cantebrigiæ, vel alicujus eorum, vel aliorum, per quodcunque nomen sive nomina quæcunque eadem fuerint facta sive acta, in talibus modo et forma prout ipsi et quilibet eorum habuere vel habere potuerunt eadem ante confectionem ejusdem actus, aliqua re in eodem actu contenta in contrarium in aliquo non obstante, prout per eundem actum de anno xiij° supradicto inter alia plenius apparet. Et idem Johannes Baxter in facto dicit, quod villa Cantebrigiæ in informatione prædicta specificata, infra quam supponitur ipsum Johannem offensam prædictam in dicta informatione mentionatam commisisse, et prædicta villa Cantebrigiæ in dictis literis patentibus superius specificatis, necnon prædicta villa Cantebrigiæ in prædictis separalibus statutis superius mentionatis sunt una et eadem villa, et non alia neque diversa; quodque non sunt, nec prædicto tempore quo supponitur prædictam offensam, seu aliquod eorum fieri fuere plures sive major numerus tabernarum (Anglice *tavernes*) custoditus vel manutentus infra dictam villam

Cantebrigiæ quam possunt et potuerunt legitime custodiri sive manuteneri infra eandem villam per provisionem et veram intentionem prædicti statuti prædicti nuper regis Edwardi Sexti de prædicto anno septimo editi et provisi; et quod dictæ literæ patentes dominæ reginæ nunc gerentes datum xxvj° die Aprilis anno regni sui tertio superius placitato, et dictæ literæ patentes dictæ dominæ reginæ nunc gerentes datum eisdem die et anno sic superius in dicto actu parliamenti mentionatis, sunt unæ et eædem, et non aliæ neque diversæ. Et idem Johannes Baxter ulterius dicit, quod ipse est, et prædicto tempore quo supponitur offensam prædictam fieri fuit communis minister dictæ Universitatis, videlicet, unus ex bedellis armigeris ejusdem Universitatis. Et hoc paratus est verificare prout curia, etc. unde petit judicium, si prædicta curia dictæ dominæ reginæ hic placitum prædictum ulterius versus ipsum Johannem Baxter tenere aut cognoscere velit aut debeat, ac quod ipse (quoad præmissa) ab hac curia dimittatur. Et quia curia vult avisare se de placito prædicto antequam ulterius, etc., datus est dies hic præfato Johanni Baxter eodem statu quo nunc usque octavis sancti Hilarii. Ad quem diem prædictus Johannes Baxter venit hic ut prius, etc. Et ex causa prædicta habet diem ulterius usque xv^am^ Paschæ. Ad quem diem præfatus Johannes Baxter venit hic ut prius, etc. Et ex causa prædicta habet diem ulterius usque octavis sanctæ Trinitatis. Ad quem diem prædictus Johannes Baxter venit hic ut prius, etc. Et Johannes Popham, armiger, attornatus dictæ dominæ reginæ nunc generalis, qui pro eadem domina sequitur, præsens hic in curia ad eundem diem in propria persona sua tam pro eadem domina regina quam pro prædicto Hugone Bonnell, dicit quod placitum dicti Johannis Baxter, per ipsum superius placitatum, minus sufficiens in lege existit ad ponendum curiam hic a jurisdictione tenendi placitum in informatione prædicta specificatum, unde ex quo idem Johannes

Baxter ad informationem prædictam sufficienter non respondit, idem attornatus dictæ dominæ reginæ, tam pro dicta domina regina quam pro prædicto Hugone Bonnell, petit judicium, et quod curia hic habeat inde jurisdictionem. Et prædictus Johannes Baxter dicit, ex quo materia prædicta per ipsum superius in placito suo prædicto allegata, quam ipse est paratus verificare, sufficiens est in lege ad ponendum curiam hic a jurisdictione ulterius tenendi placitum in informatione prædicta, quam quidem materiam prædictus Johannes Popham, attornatus dictæ dominæ reginæ generalis, qui tam pro prædicta domina regina quam pro prædicto Hugone Bonnell sequitur, non dedicit, nec ad eandem aliqualiter respondit, sed verificationem illam admittere omnino recusat, petit judicium, si curia hic ulterius cognoscere velit. Et prædictus attornatus pro eadem domina regina dicit, ut prius dixerat, et petit similiter judicium curiæ, etc. Ideo, ad judicium, etc.

Inter recorda de termino sancti Hilarii anno 28° reginæ Elizabethæ, rotulo 125, ex parte remembratoris reginæ in scaccario.

CASE OF MOSES FOWLER.

[From MS. Arundel, no. 54, fol. 236, r°.]

Quod Moises Fowler, scholaris, habeat allocationem privilegiorum Universitatis coram justiciariis de banco secundum tenorem cartæ dominæ reginæ Elizabethæ, anno regni sui xvij° concessæ, et quod vicecomes Norwici supersedeat in placito versus eum de exigi faciendo.

Moises Fowler, nuper de villa Cantebrigiæ in comitatu Cantebrigiæ, sacræ theologiæ professor, alias dictus Moises Fowler in sacra theologia baccalaureus, socius Collegii Corporis Christi et Beatæ Mariæ in Cantebrigia, summonitus fuit ad respondendum Johanni Drake de placito quod reddat ei sexaginta libras quas ei debet et injuste detinet, etc.

Et modo hic ad hunc diem, scilicet, a die Paschæ in xv. dies, venit prædictus Moises in propria persona sua, et protulit hic in curia literas dominæ reginæ patentes sub magno sigillo suo Angliæ sigillatæ, gerentes datum apud Westmonasterium decimo die Maii anno regni sui xvij°, per quas eadem domina regina nunc pio et quieto studiosorum voto ac tranquillitati consulere ac providere volens, ac gratiam facere specialem, ex certa scientia et mero motu suis, pro se, hæredibus et successoribus suis, dedit et concessit cancellario, magistris, et scholaribus Universitatis suæ Cantebrigiæ, et successoribus suis imperpetuum, quod ipsi et eorum loca tenentes pro tempore existentes coram seipsis haberent cognitionem omnium et omnimodorum placitorum personalium, tam debitorum compotorum et quorumcunque aliorum contractuum et injuriarum, quam transgressionum contra pacem et misprisionum quarumcunque infra Cantebrigiam prædictam et suburbia ejusdem initorum et factorum, sive aliquo tempore extunc imposterum faciendorum sive ineundorum (mahemio et felonia duntaxat exceptis), ubi et quandocunque aliquis magister vel scholaris, vel serviens scholaris, aut communis minister dictæ Universitatis unus partium foret, et omnia et singula hujusmodi placita et transgressiones prædicti cancellarius et scholares, et eorum loca tenentes et successores sui, audirent, tenerent, et finaliter determinarent ubicunque infra villam et suburbia ejusdem villæ placeret, et inde executionem facerent secundum leges et consuetudines suas ante tunc usitatas; et quod curia dicti cancellarii, magistrorum, et scholarium super hujusmodi placitis et transgressionibus prædictis foret curia de recordo, et quod de hujusmodi actionibus, querelis, sectis, et transgressionibus, tam ex officio quam ad secta partis, secundum leges et consuetudines prædictas inquirerent et cognoscerent, audirent, et finaliter determinarent eisdem modo et forma, prout ante data earundem literarum patentium usi fuerunt, ac tam

per amerciamenta secundum sanas discretiones suas componere, quam per imprisonamenta corporum delinquentium, contumacium, et reorum, ad compellendos omnes et singulos delinquentes et defendentes in hujusmodi actionibus, querelis, et transgressionibus. Et si aliquis delinquens aut defendens, seu aliqui delinquentes seu defendentes, in aliqua hujusmodi actione, querela, seu transgressione convictus foret seu convicti forent, ad compellendos omnes et singulos delinquentes, reos, et defendentes, ad satisfaciendum de omnibus unde convicti forent, seu aliquis eorum convictus foret, secundum leges et consuetudines dictæ Universitatis ante tunc usitatas, vel secundum statuta hujus regni Angliæ tunc edita et extunc imposterum edenda. Et quod tam justiciarii ad placita coram dicta domina regina, hæredibus et successoribus suis, tenenda assignati et assignandi, et justiciarii ipsius dominæ reginæ, hæredum et successorum suorum, quam alii judices quicunque in præsentia et absentia ipsius dominæ reginæ, hæredum et successorum suorum, dicto cancellario et ejus successoribus eorumque loca tenentibus de omnimodis placitis prædictis allocationem facerent absque difficultate vel impedimento aliquali. Et quod nullus justiciarius seu judex in præsentia vel absentia dictæ dominæ reginæ, hæredum vel successorum suorum, vicecomes, major, ballivus, seu alius minister de placitis illis seu aliquo eorum se intromitteret, nec partem ad respondendum coram ipsis poneret, sed quod pars illa coram præfato cancellario et successoribus suis, seu eorum loca tenentibus, inde solummodo justificaretur et puniretur in forma prædicta, et non alibi nec alio modo; et quod omnia et singula brevia super hujusmodi placitis et transgressionibus contra eandem concessionem facta, seu extunc fienda, forent ipso jure nulla. Et super hoc prædictus Moises dicit, quod ipse est socius Collegii Corporis Christi infra Universitatem prædictam, et ea ratione privilegiata persona in eadem, unde non intendit

quod justiciarii hic placitum prædictum versus ipsum Moisem ulterius cognoscere velint; et petit libertates et privilegia Universitatis prædictæ per curiam hic ei allocari, etc. Ac etiam petit breve dominæ reginæ de supersedeas in placito prædicto vicecomiti Norwici dirigendum, quibus breve dictæ dominæ reginæ de exigi faciendo ipsum Moisem ad sectam prædicti Johannis super placito prædicto a curia emanavit, ac returnabile hic in crastino sanctæ Trinitatis proximo futuro existit. Et ei conceditur, etc. Ideo præceptum est vicecomiti Norwici quod ipse de præfato Moise ulterius exigendo, utlagando, capiendo, seu in aliquo molestando, occasione præmissa supersedeat omnino. Dicentes præfato Johanni quod sit ad præfatum terminum ostensurus si quid pro se habeat aut dicere sciat quare prædictus Moises libertatibus et privilegiis Universitatis prædictæ gaudere non debeat, si voluerit, etc.

✠ Inter placita coram justiciariis de banco, termino Paschæ, anno xxix° reginæ Elizabethæ, rotulo, M^ll^.DCCCLIX°.

PLAN FOR THE DIVISION OF ECCLESIASTICAL BENEFICES.

J. BEACON TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 2.]

To the right honorable, my singuler good lord, the lord high treasorer of England.

Give me leave (right honorable) to be your lordships remembrancer of a blessed and singuler benefite to the church of God and the students of the University, obteined by your lordships mediation many years since, and most graciously graunted by her most excellent majestie, for the renewing or execution wherof remayning in the recordes at

Cambridge, either never once begon to be put in practice, or sone intermitted: the generall and just complaint in these dayes, for want of sufficient enstruction of the people in divers countries, of sharing ecclesiasticall livings betweene corrupt patrones, ordinaries, and hirelings, of suffering many godly and lerned preachers in both the Universities to remaine lesse profitable to the church, lesse comfortable to them selves, and to no lesse discouragement of younge students in divinity, doth make humble suite to your lordship, or to both the chauncelors of either University joyntly, that by your honorable mediation to her highnes, it may be from henceforth more religiously observed, that every second or third yeare either University do send up the names of all their lerned and well disposed students in divinity, ripe, ready, and willing to be dispersed abroade into the Lordes vineyard, to remaine with her highnes principall secretaries or clarkes of the signett, and the lord chauncelor for the time being, as faithfull remembraunces of her majesties most gracious zeale and disposition for their timely prefermentes. What would not this example worke in the inferiour subject for imitation! How would it revive the dulled and discouraged spirits of University students, which, after their bodies and substance wearied and spente, might stand in some certaine hope of their tymely employmentes to the good of the church, and ther owne provision and maintenance! Nothing would sooner daunt or restreine the shameles corruptions of these times, or worke greater joy and hope of Gods blessing in the harts of the godly. It is no reproofe of former courses, if the remembrance of any better be renewed; which if your lordship have peradventure forgotten, Mr. Skinner can make best report therof, who not many years since saw and redd it amongst other monuments of our University. Your lordship is wise to consider what is best to be done, by what meanes, and at what oportunity, and to pardon

this students ducty to the University and the church of God being performed to the chauncelour of the University, and so honorable a patron of religion, vertue, and lerning. And the lord chancelour to be named by her majesty, whosoever shalbe happy to have his entrance thus sanctified by her majesties gracious direction in this behalfe, howsoever many wicked benefice brokers may hereby be disappointed of their manifolde spoiles, reaped and expected by this cursed pray. My praier shalbe for your honours happy preservation to this church, commonwelth, the University of Cambridge, and your honours owne nurse of Saint Johns, which your honour had a meaninge to sanctify with the first fruits of graunting impropriations, as they fell voide, to the preachers of the howse, duringe their lives and attendance in teachinge that people, before their statutes were fully finished. I beseech your lordship not to be offended, if I presume to be your honors remembrancer therof allso, that it may be doone in time, if it be not allready done; that Gods blessing may be more favourable and plentifull upon the students and very walls of that famous foundation. From the DD. Commons, this xxvth of Aprill, 1587.

Your honours humble, at commaundement,

J. Beacon.

A project of the humble sute of the vice-chauncellour and others the governours of colledges in the Universitie of Cambrige, made unto her majestie, as touching the preferment of studentes in divinitie in both the Universities.

If her majestie shalbe pleased to bestowe upon preachers (being graduates in the Universities of Cambridge and Oxford) the benefices within her highnes guift that shalbe thought of competent yearelie value for such professors, then it seemeth fitt that it be done as followeth, viz.:

1. First, that her majestie doe authorize, by her highnes commission under the great seale of England,[a] the two honorable chauncellours of the said Universities, and such other persons as her majestie shall fynde meete (whereof the said chauncellours to be two), as well to searche and sett out all the churches (or benefices) within England and Wales that be of her majesties perpetuall disposicion and patronage, and that be found in the booke of first frutes and tenthes,[b] above the yerelie value of twentie markes, and under fortie markes;[c] as also to divide and seperate the whole number of the said churches, by their names, in two severall partes and schedules, by theire wisdomes and discrecions.

In these letters patentes there may be a reference to such orders as her majestie shall prescribe for this speciall nomination and recommendation, to be as followeth in the last member here.

2. Secondlie, that her majestie doe thereupon, by her lettres patentes under the great seale of England, grant to the chauncellour, maisters, and schollers of the said Universitie of Cambridge, and theire successours, that to and for everie of the one half in number of the same benefices from thence forth becoming void, it shall and maye, from tyme to tyme, be lawfull for the said chauncellour, maisters, and schollers, and theire successors, by lettres under their common seale, to nominate[d] and recommend to the lord chauncellour of England (or keeper of the great seale) for the tyme being, one clerk of the said Universitie, that then shalbe a graduate there in the studie (or profession) of divinitie;[e] which lettres shalbe sufficient and ymmediate warraunt to the said lord chauncellour (or keeper) to graunt unto suche clerk the said benefice, under her highnes great seale; and that the said chancellour (or keeper) shall, upon such lettres, graunt the same accordingly.

3. Thirdlie, that after this, one other commission be made from her majestie to the said chauncellour of the said Universitie of Cambridge, and to his vice-chauncellour, and some others of the governours of colledges there, commaunding them, by theire good discrecions, to divide and allott[f] a

[a] This done to th end that majesties graunt en ing may h a certent whereupo to worke.

[b] So wi be no pr diee to th lord chan lour, in re spect of t benefices upon his l ship by common which a under th value of markes annum.

[c] That Universi may hav part, an that in s contries be most for the s dents of Universi

[d] By t meane h majestie reteynet inherita of these tronages

[e] Thu neither majestie the lord keeper parteth the fees the seal

[f] Here be regar

ratable number of the said benefices to everie of the colledges there, after the proportion of the fellowships in eache colledge that be destined to the studie of divinitie.

laying to each colledge the benefices of those shires whereto the foundation of that colledge hath geven preferment.

The like in three last ntes may done for ford also.

4. Lastlie, that order be geven, that to everie of the said benefices so allotted to each colledge, the senior[g] graduate there in divinitie be preferred, and by the head (or his deputie) of such colledge be presented (with the certificat thereof in writing, under the handes of the more parte of the seniors or fellowes of that colledge) to the vice-chauncellour there, who shall thereupon provide for hym the said lettres under the common seale of that Universitie, for such his nominacion and recommendacion to the lord chauncellour, or keeper of the great seale, as is aforesaid. And[h] that upon the acceptacion thereof, it be provided, that the partie so preferred doe leave that place he hath in the colledge within such convenient tyme as shall seeme meete upon the ordering hereof.

[g] Hereby all contention of choice is avoyded.

[h] By this meanes will that charge be provided for wherein he is bestowed, and the succession of studentes in the Universitie the better contynued.

DISPUTES WITH THE TOWN.

THE UNIVERSITY TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 3.]

Honoratissimo domino, domino de Burghley, supremo ærarii Anglici quæstori, et academiæ Cantabrigiensis summo cancellario.

Tametsi nos eo semper animo eaque voluntate fuimus (honoratissime Burghleiensis) ut ipsi graviores aliorum injurias ferre, quam levissimas illas quidem aliis inferre maluerimus; tamen cum oppidanorum nostrorum non ferenda hac in parte insolentia eo usque patientia nostra ad effrænatam audaciam suam non confirmandam sed augendam perverse abutatur, ut veteribus injuriis perferendis nihil aliud quam novas invitasse videamur; non veremur ne literas nostras amplitudo tua nimis ad querendum propen-

sas atque proclives existimarit, si postquam illi male nobis facere nunquam desistunt nos itidem non tam male de iis quam vere dicere tandem aliquando incipiamus. Ita enim eos nescio quæ vinariæ causæ dudum obtinendæ spes extulit, tantosque illis spiritus afflavit, ut cæteras etiam libertates nostras, quas hactenus dum illi alteri manifestam plagam infligere moliebantur non nisi occulte cuniculis oppugnabant, eas nunc universas palam et aperte petere et in discrimen vocare neutiquam reformident. Quæ quidem sive intemperies sive amentia, ut in cæterorum animis jamdiu penitus insederat et inveteraverat, ita nuper prætorem ipsum adeo possedit et præcipitem egit, ut non ministros solum et famulos nostros inhumaniter acceperit, sed pecudes etiam illorum immanissime vexarit: tum autem eo processerit audaciæ, ut procancellario nostro honoris tui vicario formulam brevem (quam appellant) odiose et præter omnem consuetudinem et æquitatem intendendam curarit: quorum altero singularem erga homines inhumanitatem, et in pecudes immanitatem ostendit, altero capitale rerum nostrarum odium, tuique itidem honoris non ita magnam sane rationem a suis haberi quasi signo quodam edito præ se tulit. Tu itaque (clarissime Burghleiensis) academiæ tuæ, graviter istis furiosorum hominum tempestatibus et procellis jactatæ, tui subsidii præsidiique sacra (quod aiunt) anchora succurrito, immunitates nostras, quarum illi nervos omnes incidere machinantur, salutari tuo consilio munito, istos literarum et virtutis juratos hostes eximia auctoritate tua coerceto, supplicibus denique tuorum alumnorum precibus uberius ab integerrimæ fidei tabellario explicandis aurem non aversam præbere digneris. Nos certe tantum a nobis honori tuo deberi profitemur, quantum nos solvendos futuros aliquando ne sperare quidem fas est. Deum igitur optimum maximum etiam atque etiam precamur, ut is omnia tuæ amplitudini cumulatiore mensura remetiri, eamque omnibus ornamentis cumulatissimam nobis reique

publicæ quam diutissime salvam conservare velit. Cantabrigiæ, 4° Kalendas Junii, anno 1587.

Honori tuo semper deditissimi,
Procancellarius et collegiorum præfecti.

GRACES OF THE SENATE.

Junii 2, 1587.

Cum statuto cautum sit ut omnes mulctæ quæ in regiis statutis sunt præscriptæ in tres partes dividantur, nisi aliter singulari aliqua lege sit provisum; quo quidem non obstante statuto, quæstio non ita pridem facta sit ad quos potissimum pertineret mulcta illa decem solidorum quam vos anno Domini 1578, mensis vero Martii die 23, concionatoribus propter omissas conciones vestro consensu tum stabilitas infligendam decrevistis, eorundem regiorum statutorum auctoritate muniti, cumque in illo vestro decreto nihil reperiatur quo minus mulcta videatur in tres partes dividenda:

Placet vobis, ut eadem mulcta decem solidorum jam inde a festo Michaelis proxime præterito exacta, et in posterum exigenda, in tres partes dividatur, et similiter exigatur quemadmodum reliquæ mulctæ concionatoribus regiis statutis impositæ; atque ut hæc vestra concessio pro statuto habeatur, et in libris procuratorum infra sex dies inscribatur, sub pœna decem solidorum, registrario ad usum academiæ persolvendorum.

Univ. Stat. p. 359; Book of Graces, Δ, fol. 153, *a*; Junior Proctor's Book, fol. 105, *a*.

Junii 2, 1587. De augendo oratoris stipendio.

Cum oratoris vestri munus, multis expositum laboribus, parvo admodum stipendio compensetur, parum digno tam

honestæ existimationis officio: placet vobis, ut in annuum hujus stipendii incrementum, singuli deinceps admittendi ad respondendum quæstioni sex denarios, et singuli admittendi ad incipiendum in artibus duodecim denarios, oratori solvant. Et ut hæc concessio vestra, procuratorum libris infra decem dies inserta, pro statuto habeatur.

DISPUTE IN CHRIST'S COLLEGE.

THE FELLOWS TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 17.]

To the right honourable and our very good lord, the lord Burghley, lord high treasurer of Englande, the chief chauncelour of the Universitie of Cambridge.

Cum curam tuam qua reip. summam complecti soles, honoratissime domine, ad privatas collegii nostri res demittere dignatus fueris, ac singulari et prædicanda humanitate certis viris negotium per literas dederis, ut de causa quæ inter procancellarium ac nos controversa esset dijudicarent; alterum necessitas expressit, ut de tota re quid actum sit honorem tuum certiorem faceremus, alterum meriti tui magnitudo libentibus ac volentibus nobis, imo cupientibus, elicuit, ut quam maximas quamque mens hominis capere potest amplissimas ageremus gratias, ob maximum æternumque beneficium tuum. Literas ergo tuas, vir honoratissime, ad quos scriptæ erant iis dedimus, qui et ipsi procancellario legendas tradiderunt: ille vero cum primum judices sibi ferri recusasset, postea tamen summa certe (ut nos interpretamur) benignitate et modestia, ne alterutri parti, si secundum se nosve decisa lis esset, levis aliqua labecula aut nota addita videri posset, rem silentio effluere passus est, et quem diem visitationis suæ prolationi dixerat, ad eum diem ipse non aderat: ita visitatione defuncti

sumus; quæ certe, nisi immortali beneficio tuo et magna procancellarii moderatione, hunc exitum habuisset, turbulentissimæ profecto (ne quid gravius dicamus) tempestates exstitissent, et collegio vel vincenti parum utiles. Tibi ergo, honoratissime Burghleie, quem toties afflictas res nostras erigere atque excitare voluit Deus, quod florentes sumus, quod liberi, tibi uni acceptum referendum est; quem cum habeamus auctorem salutis, voluimus etiam grati nostri animi habere testem: sed cum id non tam oratione quam re appareat, nulla autem res esse queat, quæ a nobis in tantam fortunæ amplitudinem pro meritis tuis proficisci possit, cum omnia dixerimus, id tantum consequi nos fatendum est, non ut grati, sed ne ingrati fuisse videamur. Deum ergo optimum maximum precamur veneramurque, ut is, vicem nostram, te augeat ornetque, omnemque tibi vitam jam longam, lætam, atque honorificam, et cum naturæ concesseris beatam immortalemque esse velit. Dat. Cantabrigiæ, e Collegio Christi.

Honori tuo plane devoti
Præfectus et socii Collegii Christi,

EDMUND BARWELL.

GUILIELMUS PERKINS.	GEORGIUS DOWNAME.
FRANCISCUS JOHNSONN.	THOMAS BRADOCKE.
JOHANNES POWELL.	ANDREAS WILLIATT.
ROBERTUS BAINES.	WILLIAM KNIGHT.
THOMAS MORTON.	CUTHBERT BAMBRIGG.

SIR WALTER MILDMAY TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 49.]

To the right honorable, my very good lord, the lord high treasurer of England.

IT may please your good lordship: being desired from the master and fellowes of Christes College in Cambridg to be

a meane to your lordship on their behalf, for thappeasing of a question lately risen betweene the vice-chancellour of the Universitie and them, I am bold by theis few lynes to pray your lordship to heare this partie, which commeth from them, and to direct your commaundment to some of the chief of the Universitie, either to end the cause themselves or to certefy your lordship of their opinions, that so there may be a finall order; which otherwise I perceave will breede much trowble and unquietnes emongst them. And so praying your lordship to beare with me in trowbling you thus farre, I humblie take my leave. From London, the xxxjth of May, 1587.

Your good lordships ever to commaund,

WALTER MILDMAY.

CASE OF HENRY WOODHOUSE.

THOMAS PRESTON TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 14.]

To the right honorable, my verie good lord, the lorde Burghleye, lord highe treasurar of Englande.

MY most honorable good lorde, Mr. vice-chancellour hathe throughlie delt with me (upon letters receyved from your lordship) to favor one sir Woodhouse for his procedinge in lawe, and myself must and ever wilbe most devoted to your lordships commaundement, even to alter and othe. Wherupon I rekyenge whollie at this present, and leavinge all other grevances, deme my case most happie that I am falne into your lordships handes.

The statute.

Qui a primo in academiam adventu legibus operam dabit, primum annum integrum institutionum lectioni domi suæ

impendat, deinde quinquennium totum publicum juris professorem audiat.

1. To this, when I desyred opinions at London this last yeare for satisfienge the right honourable the lord chamberlyn, everie one aunswered, that the wordes them selves spake, and that *integrum* and *totum* requyre a peremptorie complement of full six yeares. Notwithstandinge I prayed handes, which I have exhibited to Mr. vice-chancellour *per hæc verba.*

Wee whose names are subscribed hereunto do thinke, that by the former statute, A.B. can not procede untill he have six yeares fully complete. Wyllus. Aubreye, Willm. Drurye, John Herbert, John Lloyde, Hen. Jones, Gryff. Lloyde, Willm. Lewyn, Jul. Cæsar, Dan. Dun.

2. He proceded bacchelour of artes 2 years after his cominge to Trinitie Hall, wherbie bothe the Universitie was then beguyled with a surreptitious grace, and yet must necessarilie be presumed that those 2 at the least were employed to logique and philosophie, so that lawe hathe not bene studied 4 yeares complete.

3. He alledgeth the tyme wronge of his entrance into commons, viz. the 14 of Octobre for the 24 of Novembre; shewed likewise unto Mr. vice-chancellour, under Doctor Bellis hande, owt of our autentick booke.

4. He was stayde by the felloes, and not by me, at the propoundinge of his grace, yet I acknouledge my self of the same mynde.

His objections.

1. He alleadgeth use of propoundinge graces *post studium quinque annorum;* but use, and that not continued, ys small warrant for me to deceyve a statute nowe called into question, and founde so playne.

2. Petition for grace is a case favourable, yt is yelded, were it left *dispositioni juris communis:* but statute lawe is *strictæ interpretationis* by grammer and lettre.

3. Qualification is alledged for him of a lyke statute, interpreted by the heades (which is for grace of questionistes), but who seethe not disparitie betuixt the degrees, and therfore identitie of reason wanteth which shoulde make them applicable.

Ageine, the interpretation exacteth of the proceder *omnes dies utiles*, thoughe not *continuos*. For the sophister must necessarilie be at the sermonde *ad clerum*, which is *pridie cujusque termini*, elles his grace ys voyde. But this partye wanteth of his *dies utiles*. D. Bynge hathe thus geven his opinion to Mr. vice-chancellour.

Thease fewe have I bene boulde to laye together, and with all humblenes and dutie submitt myeself; dailie prayenge the Allmightie to blesse your lordship with longe continuance of manie prosperous yeares.

Your honours most humblie to be commaunded,

THOMAS PRESTON.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 4.]

To the right honorable, his very good lordship, the lord Burghlye, lord highe treasurer of England and chancellour of the Universitye of Cambridge, geve thes.

RIGHT honorable and my very good lord, I have heard what Mr. Preston doth alleage as touching the staye of Henry Woodhowse his proceading, and I find that because the wordes of our statute do require 6 yeares complete for any to proceade in lawe, and the sayd Henry Woodhowse lacketh as muche of that tyme as shalbe betwixte the commencement nexte and the 14th of October, therefore Mr. Preston is of opinion, as also other civilians bothe here and at London, that without breache of statute, H. Woodhowse cannot be permitted to proceade this yeare: yett because

there are no publicke exercises betwixte the commencement and the 10th of October, and this partye dothe very probablye prove unto me that he was in Trinitye Hall the 14th of October, *anno* 1581, it maye seme heard to stay him for want of 4 dayes: for if he had bene there the 9th of the same moneth, I see by an interpretation of a lyke statute, made by the heades, that in equitye he showld be accompted to have sufficient tyme. Therefore, if it may please youre good lordship to move Mr. Preston not to stand upon so nice a point, at his repayre unto youre lordship, in the beginning of the nexte terme, and so to suffer H. Woodhowse to have his grace in the colledge, I trust there shalbe no staye made of it in the common scholes, where I can not further him till he had obtained that favour in the howse wherein he liveth. The Lord preserve youre lordship long in health and life to his glorye. From Trinitye Colledge in Cambridge, the 7th of June, *anno* 1587.

Your lordships alwayes at commaundement,

JOHN COPCOT.

GRACE OF THE SENATE.

Junii 12, 1587. Oppidani suspensi in gratiam non nisi a senatu recipiendi.

CUM superioribus hisce diebus quidam oppidani, propter demerita sua et intolerabilem adversus academiam et academicos ingratitudinem, a contubernio scholarium sunt suspensi, et scholares et eorum famuli cum eisdem quovis modo contrahere aut negotiari stricte et sub gravi mulcta sunt interdicti: placet vobis, ut hujusmodi antedicta decreta, et in posterum decernenda, vestra auctoritate rata et firma habeantur, et in posterum non rescindantur sine

consensu et assensu totius senatus: et quod hæc rogatio pro statuto habeatur, et in libros procuratorum describatur infra decem dies proxime insequentes. Et insuper, ut singuli academici cautiores sint, et muletam præscriptam devitent, ut hæc rogatio singulis futuri temporis terminis palam et publice per alterum procuratorum prælegatur in pleno et frequenti senatu, una cum nominibus singulorum, sic ut prædicitur, suspensorum.

DISPUTES WITH THE TOWN.

COMPLAINTS OF THE MAYOR.

[From MS. Lansd. no. 54, art. 5.]

First, wheare everie free burgesse of Cambrige taketh a corporall oathe to maintaine and keape unhurt, to the uttermost of his power, the commons and pasture of the towne, one William Hamond, bearebrewer (pretending to be bailif to Jesus Colledg, and so a schollers servant, whereas by lawe no such bailif can be priviledged as a schollers servant), put xxxv. hogges, a cattell not comonable uppon our grene pastures, he not having anie land at all in our fieldes. For which the same hogges, by the maiours commaundment, weare impounded, as the hogges also of sondrie other persons: hereuppon Mr. vice-chancelour made a replevie to deliver the hogges, which never anie vice-chancelour did hearetofore.

Besides this, he arrested two of the pownders, and one of them he kepeth still in prison, contrarie to lawe.

Two writtes of *habeas corpus* have been delivered to the vice-chancelour for the removing of the bodie and cawse of the pounder nowe imprisoned into the quenes benche: Mr. vice-chancelour made noe returne of the first; what he

will doe with this wee knowe not, but the partie is not yet delivered.

After the serving of the first writt, Mr. vice-chancellour cawsed to be sett on the schoole-doars that infamous proscription or buffebuent of Mr. maiour, which your lordship had.

The pownd in the night-time hath been twise, by great multitude of persons, riotouslie, with clubbes and other weapons, sawen asunder, and the hogges delivered. Some of the last riotous persons are knowen.

They threatned with clubbes to beate into theire doars all such persons as offred to come owt to see whoe theie weare.

14 Junij, 1587.—The maiour of Cambrige against the vice-chancelour.

ANSWER OF THE UNIVERSITY.

[From MS. Lands. no. 64, art. 6.]

The answer to the complaynt of Mr. maior of Cambridge.

Complaint 1. First, wheare everye free burgesse, etc.

Answere. Whether the burgesses of Cambridge do take any such oathe or no, the vice-chauncellour knoweth not, nether doth yt apperteygn unto him to regard; for that the taking therof by them can nether extend to impayre any privilege of th'universitie, nor the inheritaunce of the colleges, who be the owners in effect of all the land within the feyldes of Cambridge, nether doth the foresaid oath bynd the said burgesses to do any thing which by law they ought not to do.

As towching the care which they pretende to have over the pastures and commons of the said towne, we say that of good right the same doth rather belonge to the Univer-

sitie, in respect of the colleges, oweners allmost of the whole feyldes of Cambridge, then unto the towne, who hath only a lytle comon ground, wherin also the fermours of the colleges landes have interest of comon. In consideracion wherof the towne dyd hertofore enter into composicion with the Universitie for the goverment of the comons, and bound them selves in c^li^ bond to the University for observinge the same. Which composicion hath hetherto bene observed by the Universitie, but is in many pointes broken by the towne. And namely, in takinge sometymes xij^d^, sometymes ij^s^, for poundage of cattell, wheras by the said composicion but iiij^d^ ought to be payed.

The place where the said Hammond caused his hogges to be kepte ys the knowne frehold of St. Johns College, of whose fermour he had lycence so to do, and no parcell of the townes grene pastures, and therfore his hogges lawfully kept ther, notwithstandinge he hath no frehold in the towne; wherfore, as we take yt, the injurie in this behalfe ys on the parte of the maior, who doth impound from of the ground of the said college, having nothing ther to do.

Yf the said Hammond had offended in the premisses, the correccion of him belongeth wholye to the vice-chauncellour, for he then was, and now ys, balyffe unto Jesus College, under the common seale, and hath a yerly stipend for the colleccion of fyftye and eyght poundes, and therby a person in law privileged by the chartres of th'universitie, for the observing of which said privileges and chartres the maior hath taken a corporall oathe to the Universitie, and notwithstandinge hath caused the cattall of the said Hammond to be impounded.

2. Heareuppon Mr. vice-chauncellour made a replevin, etc.

Mr. vice-chauncellour made no replevin to delyver the hogges, for that accion ys a comon law accion, according

to which law he is not bound to procede, but accordinge to the lawes, privileges, and customes of th'universitie, according unto which, as he thinketh, he dyd lawfully award a precept for the delyverie of the said hogges. And the lyke hath bene donne by other vice-chauncellours, as ys to be proved.

3. Besydes this he arrested two of the pounders, etc.

The vice-chauncellour dyd imprison only one of the said pounders, and that for a notorious contempte in refusinge to come to him, being sent for by an officer, and not for the said impoundinge.

Mr. vice-chauncellour doth not kepe him in prison contrarye to lawe; but Mr. maior hath lett him out of prison contrarie to law, and to the chartres and privileges of the Universitie (for the observing wherof Mr. maiour, at the entrance into his office, tooke a corporall oathe), and contrarye to a composicion had betwixt the Universitie and the towne; for the said pretensed prisoner dyd, by Mr. maiours procurement, serve a wrytt of *habeas corpus* uppon the vice-chauncellour, and that openlye in the towne, comming from the common schooles, thinking, as yt should seme, therbye to geve a publike disgrace to the said vice-chauncellour. And Mr. maiour doth geve unto the said lewde person viij$^{d.}$ a day for his lewde service agaynst the vice-chauncellour, as ys to be proved by honest testemonye.

4. Tow writtes of *habeas corpus*, etc.

Mr. vice-chauncellor receaved tow wryttes of *habeas corpus*, procured by Mr. maiour and his servantes, who dyd bring the wryttes from London, as yt is crediblye reported; which said wryttes Mr. vice-chauncellour ys partlye perswaded by good counsell he nedeth not to allowe, by reason of an express graunt made to the Universitie by her majestie, viz. that such as be imprisoned by the vice-chauncelour, *per nullum præceptum dominæ reginæ, etc. liberentur.* Nevertheles, with protestacion of the saving of th'univer-

sities privilege, he hath retorned the first writt, with a retorn of *tarde*, etc.; and the second wrytt with lyke protestacion; and that ther was no such prisoner in his custodye as the sayd wrytt did suppose, for that, in truth, he was inlarged before by Mr. maiour: which retorne the counsell of the Universitie dyd for this tyme thinke convenyent.

5. After the servinge of the first wrytt, etc.

Mr. maiour that now ys was the sonne of a reverend father, Mr. Doctor Edmundes, twyse vice-chauncelour of th'universitie of Cambridge in the dayes of kinge Henry 8; and sythence his fathers death, in gratefull remembrance of his said father, hath bene brought up and maynteyned by the good will and liberality of scholers of the said Universitie; untill of late tyme he left of to be a schollers servant, and behaved himselfe so, that for his ingratitude to the Universitie was made maiour of the towne of Cambridge, sithence which tyme he hath behaved him selfe towardes the Universitie in such sorte as never any hertofore dyd (as may partlye appeare by that which ys before declared, and is more at large conteyned in the complaynt of Mr. vice-chaunceler and the rest of the Universitie, against Mr. maiour of Cambridge). In respect as well of which said ingratitude as of his forsayd dealinges agaynst the said vice-chauncellour and the privileges of the said Universitie, as yt was thought without dew regard of his said corporall oathe, the whole University, according to ther auncyent customes, declared the said Mr. maior justlie discommoned; wherby all schollers and schollers servauntes are admonished and forbydden to contract with him in bargayninge, under a penalty that they should incurre therbye.

6. The pound in the night tyme, etc.

The vice-chauncelour dislyketh of all disorder more then Mr. maiour doth, and will not fayle to inflict such punishment on the offenders as in law he may, yf the offenders may be detected. But albeyt Mr. maiour sayth that some

of them be knowne, yet he hath not as yet made the same persons knowne unto the vice-chauncelour, and therfore yt ys somewhat to be suspected that the pound was rather procured (by some practyse of the townsmen) to be broken (to aggravate matter agaynst the Universitie), then by the misdemeanour of any schollers.

7. They thretned with clubbes, etc.

This is also unknowne unto Mr. vice-chauncelour, nether any complaynt is yet made unto him by Mr. maior of any such persons; and therfore the truth of the said suggestion ys greatlye to be doubted.

COMPLAINT OF THE UNIVERSITY.

[From MS. Lansd. no. 54, art. 7.]

To the right honorable sir William Cecille, knight, lord Burghley, lord treasorer of England and high chauncellor of the University of Cambridge.

Right honorable and our verie goode lord and patron, we, your lordshippes vice-chauncellour and the heades of the said Universitie, thought yt convenient, for the better satisfaction of your honour towching certayne controversies of late sturred betwixt the University and the burgesses of the towne of Cambridge, not onely to make particuler answere and defence to the unjust complaynt of the said burgesses, exhibited unto your lordshipp agaynst the said vice-chaunceller and his government; but also, by our most just complaynt, to open unto your lordship most injurious and disordered dealinges of Mr. maiour of Cambridge and his burgesses, lately used agaynst the said vice-chaunceller, to the discountenancinge of him in his office, being your honours levetenant and depute, and the violatinge of such good orders as hertofore have bene for peace and unitie

establyshed betwixt the Universitie and the towne: such shall appeare unto your lordship by that which followeth.

The first composicion.

In the dayes of the most vertuous princes ladye Margaret, countesse of Richmond and Darbye, ther was by the godly meanes of the said princes a perpetuall composicion for peace and unitie establyshed betwixt the Universitie and the towne of Cambridge, wherein one article is as followeth:

Item, yf any controversie or varyance herafter happen to be betwen the said parties of or for any other liberties, privileges, or other causes then be above rehersed, that then the said partyes and their successors shall then abyde, obey, and performe the direccion, judgment, and decre of the said princes during her lyffe, and of such persons as shall please her grace therunto to name, and after her decease of the chaunceller and treasorer of England, and of the chief justices of the kinges bench and comon place for the tyme beinge, or of three or two of them. And yf any of the officers of the Universitie for the tyme beinge misbehave them to or against the said maiour, balyffes, and burgesses of the said towne, or any of them, in any thing concerning the premises, or for want of justice in any matter or cause, then the complaynt for the reformacion therof shall be first made to the chaunceller or vice-chaunceller of the said Universitie for the tyme beinge, and for lacke of reformacion to the whole Universitie, and for lacke of reformacion by them unto the said princes during her lyffe, and after her decease to the chaunceller and treasorer of England, and the chief justices of the kinges bench and comon place for the tyme beinge, and then yt to be reformed by them accordinge to the right equitie and good conscience.

The breaches of the said composicion by Mr. maior.

Mr. maior of Cambridge and his burgesses, not regarding the foresaid composicion in the article above recyted, albeyt they strictlye stand uppon and resceave great benefitt by other articles of the said composicion, have latelye procured out of the quenes bench two severall wryttes of *habeas corpus* directed to the vice-chauncellour to remove a burgesse of the towne, pretended by Mr. maiour to be wrongfullye imprisoned by the said vice-chaunceller, and sought not firste reformacion at your lordshipps handes, in apparant breache of the foresaid composicion.

The example hath not bene hertofore sene that any such writt hath bene awarded to the vice-chaunceller to remove such as were by him committed to prison; and how farre this president thus brought in by Mr. maiour tendeth to the dalye disquiett and expenses of the Universitie, we referre yt unto your lordships most honorable consideracion.

Mr. maior and his assistantes caused the second wrytt of *habeas corpus* to be served uppon the vice-chaunceler with thes circumstances of disgrace, as they intended. First, Mr. maiour sett the prisoner at libertye him selfe without licence from the vice-chaunceler; for the lyke fact wherof certayne burgesses of the said towne were not long sythence committed to grevous imprisonment by her majesties most honorable privye counsell. Secondly, the prisonner him selfe was caused to serve the said wrytt uppon the vice-chaunceler, at whose commaundement he was before imprisoned. And, lastly, caused the same to be served upon him comming from out the comon schooles in a verie open presence of the Universitie, and in publike syght of dyvers of the towne assembled, as yt should seme, of purpose to see the said wrytt served.

Mr. maiour hath also sythence that tyme suffered the

prisoner to go at large at his pleasure, saving that sometymes he willeth him to go to the prison and to lye ther on the nyghtes; we knowe not for what purpose he doth the same, onles he intendeth therbye to establysh some president in what manner he and his successors will kepe our prisoners hereafter, that our correccion and justice may little be esteemed, when Mr. maiour hathe power so gentlye to moderate our sentences and judgmentes.

Mr. maiour (as yt ys to be proved by the testimonye of verie honest persons) hath allowed the person so imprisoned viij^{d}. a daye sythence his first committinge. So that yt is not lykelye the vice-chauncellour shall want disobedyent persons within the towne of Cambridge, sythence by this example they may conceave for ther disobedyence so good hope of reward, and need so lytle to feare the rigor of imprisonment.

2. The privileges of the University.

King Ed. 3 dyd by his lettres patentes grant divers privileges unto the Universitie of Cambridge, which the quenes majestie that now ys by your lordshipps honorable meanes most graciouslye hath confirmed. Amongest which there is conteyned as followeth, viz.: — *Nos igitur, pro securi custodia hujusmodi delinquentium posthac providere volentes, declaramus et per præsentes mandamus et firmiter injungimus majori, ballivis, et burgensibus, dictæ villæ nostræ Cantabrigiæ et successoribus suis, etc. quod iidem major, ballivus, et burgenses, et custodes prisonæ et carceris prædictæ, omnes et singulas personas sic delinquentes ad carcerem per cancellarium prædictæ Universitatis aut ejus vicegerentem sive deputatum de tempore in tempus imposterum mittendas in carcerem recipiant: et eas in illa prisona cui missi fuerint salvo et secure custodiant eisdem modo et forma prout per cancellarium dictæ Universitatis pro tempore existentem, vel ejus vicegerentem sive deputatum pro tempore*

existentem, assignabitur, et non alias neque alio modo. Necnon easdem personas ad mandatum cancellarii ejusdem Universitatis vel ejus vicegerentis, etc. solummodo, et non ad alicujus alterius mandatum seu præceptum, vel nostri, hæredum vel successorum nostrorum, de tempore in tempus a carcere et prisona liberabunt et liberari facient, aut liberabit et liberari faciet eorum quilibet, sub pœna contemptus et incurrendi indignationem nostram, hæredum et successorum nostrorum.

It ys also conteyned in dyvers of our chartres, and well knowne unto Mr. maiour, that privileged persons of the University are to be corrected by the vice-chauncelor, and not by the maior.

The said privileges be impugned by Mr. maior.

Mr. maior having taken a corporall oath at the entrance into his office not willinglye to violate and impugne the privileges of the University, hath, notwithstandinge, both inlarged Mr. vice-chauncellors prisoner committed to his custodye, and hath procured a writt of *habeas corpus* for the inlargment of him; both which thinges are contrarie to the expresse wordes and provision of the chartre aforesaid.

Mr. maiour hath also taken uppon him to punishe a privileged person of the Universitie (namelye, one Hammond, balyffe to Jesus College,) by impoundinge of his hogges for a trespas supposed to be donne, etc.

3. The second composicion.

In the xvij. yeare of the quenes majesties reygne that now is, another composicion was made betwixt the said Universitie and the towne; wherof one article ys as followeth:

Also yt is ordered and enacted, that no inhabitant of this towne do from hencefurth suffer any of ther hogges, shottes, pigges, or any kinde of swyne, to go at large within

the streetes, precinct of any college, or hall, or howse of studentes, churchyardes, laynes, or comon pastures of this towne without a dryver, and that onlye to and fro the fallowe feyldes, uppon payne to forfett for everye hogg that shalbe taken at large within any of the said streetes, churchyard, lanes, or other places above specyfied, without a dryver, as is aforesaid, iiij$^{d.}$; that is to say, iij$^{d.}$ therof to the comon ministers, or other persons, that will take the paynes to dryve any of the said hogges to the comon pound; and the other pennye for poundage. And yf any such hogg or hogges shall chaunce to breake from the said ministers or other persons, as they be dryving them unto the pound, and runne into ther masters howses or yardes, then the said comon ministers, or other persons, shall demaunde of the owner of everie such hogge so taken at large, contrarye to this agrement and ordinaunce, iiij$^{d.}$ And yf the said owner refuse or denye to paye imediatlye unto the said ministers, or other persons, for everye such hogge iiij$^{d.}$, then the said ministers, or other persons, shall complayne uppon the said owner so refusinge to paye, contrarye to this act, yf he be a scholler, or schollers servaunt, according to the auncyent composicion, unto the vice-chaunceller; and yf he be a freman or forrener, then to the maior; which shall convent before them, or one of them, to whom such complaynt shalbe made and apperteyne, the said transgressors, and cause them to pay the sayd payne of iiij$^{d.}$; which yf they refuse to do, the said governor shall committ them to warde, ther to remayne untill such tyme as they have payed both the said forfeyture, and such other charges as by the said governour shalbe appointed: and that for the same the vice-chauncellor and maiour, at ther common meeting, shall appoint two or fowre, or as they shall thinke meete, who shall have especiall authoritie to dryve the said hogges to the pound, and to complayne as ys aforesaid; not herby debarring, but that yt shalbe lawfull to any

other to take any of the said hogges, and to take the forfeyture as ys aforesaid.

The breaches of the said composicion by Mr. maior.

Mr. maiour, contrarye to the forsaid composicione, appoynteth pounders by him selfe, of his owne authoritie; as yf the whole fieldes of Cambridge were the townes, wheras the same belong wholly in effect to the colleges.

Mr. maiour also causeth to be taken xij^{d}·, and sometymes ij^{s}·, for the poundage of an hogge, yf the owner be a schollers servant, or one disfavoured by the townesmen, in apparant breach of the foresaid composicion, which exacteth iiij^{d}· only, and no more.

Mr. maiour and his pounders dyd dryve out of the fieldes the hogges of one Hammond, a privileged person of the Universitie; and dyd demaund of him for the poundage of eche hogge ij^{s}·, or els to have some pece of plate in pawne; which being refused to be donne by the said Hammond, the maior caused his hogges styll to be kept in pounde; challenging authority to him selfe onlye, and not making complaynt unto Mr. vice-chancellour, according to the foresaid composicion; which yf he had donne, ther had bene reformacion made, and correccion used, according to the forme of the said composicion.

The complaynt of the vice-chauncellor and heades of the Universitie of Cambridge agaynst Mr. maiour of Cambridge, etc.

COMPLAINT AGAINST THE MAYOR.

[From MS. Lansd. no. 54, art. 9.]

Reasons shewinge that Mr. maiour is the occasion of this present contention betwixt the Universitie and the towne.

The cause of the present varience betwixt th'universitie and the towne of Cambridge cometh by the maior that

now is, by breakinge a godly composicion made by the mutuall consent and bonds betwixt the Universitie and the towne, for the avoyding of this and the like occations of dissentiones, in the xvijth yere of the queenes majesties raigne, for the space of xx^{tie} yeres; wherin it is provided, that the pinner, or driver, of such hogges or cattell shalbe appoynted two, fower, or more, by the consent and appointment of the vice-chauncellor and the maior for the time beinge; and that there be taken iiij$^{d\cdot}$ for everie hogg; wherof j$^{d\cdot}$ be to the pinner, and iij$^{d\cdot}$ to the vice-chaunceller, if the offender be a scholer or a schollers servant, and if he be a freman or a forrener, the said iij$^{d\cdot}$ to the maior: contrarie to which order, the maior at this time exacted of Hammond, a schollers servant, ij$^{s\cdot}$ for everye hogge that was dryven by himself, and not by an indifferent person appoynted by the said vice-chauncellor and the maior. And it is provided in the said composicion or ordinance, that if this, or any ambiguity, or any thing, is to be amended in the said composicion, that to be interpreted and added by the mutuall consent of six or five of the auncienteste of both the bodies under their handes; and that interpretacion or addicion to be taken as parte of the saide composicion.

And it is manifest that this is but a quarrell of malice, devised by Mr. maior and others against the said Hammond, a schollers servant; but for that Mr. maior and his brethren doth still suffer the same fault of hogges unringed to goe abroad in the same or the like places of the fallow feildes, in those persons beinge of theire owne bodie, without any punishment.

And also for that divers of the aldermen have practized and declared to the said Hammond, if he would become a townesman, and leave to be a shollers servant, that he should have all favor and tolleracion in this and in all other thinges frelie.

PETITION OF THE UNIVERSITY.

[From MS. Lansd. no. 54, art. 10.]

Petitions of th'universitie of Cambridge for quietnes with the towne there.

1. *In primis:* wheras the maiour and burgesses of Cambridge howld noe baron corte, neither have any tenantes belonging to any such manner, and theire be three lordships at the least, viz. Cotten Hall, Marten Hall, and Radigunde, belonging to th'universitie and colledges, haveinge tenantes, and keeping courte baron and leete; and, a verie little excepted, all the landes in the feildes and all the pastures within Cambridge towne and the precinctes therof belong to th'universitie, and to the freeholdes of colledges, schollers, scholers servantes, and priviledged persons. And wheras, also, the vice-chauncellour and his assistantes have given, and ought to give, theire assent, by composicion and otherwise, unto such orders as have bene appoynted for the preservacion, guydinge, and governance of common greenes, common pastures, and feildes, lying in common within the towne of Cambridge and the precinctes of the same; that no orders hereafter to be observed and kept, for or concerning such common greenes and common pastures, or feildes lyinge in common, be made or ordeyned without the mutuall assent and consent of the vice-chauncellor and his assistantes for th'universitie, and the maiour and his assistante for the towne.

2. Item, that if any breache of such orders be made, wher a scholler, schollers servant, or priviledged person of th'universitie is a partie, reformacion therof be made by the vice-chauncellour for the time being, or his deputie; and where no scholler, schollers servant, or priviledged person is partie, by the maior.

3. Item, wheras the knowledge, hearing, and deter-

minacion of all personall pleas, so ofte as a scholler, schollers servant, or priviledged person, is a partie, by vertue of the charters of the Universitie, belong to the vice-chauncellour, or other officer of th'universitie; and of late writtes have bene procured from the kinges bench, or from some other corte, wherby justice in th'universitie have bene hindered, and schollers, to theire great charges, have bene drawne from theire bookes; such order may be taken that hereafter no such writtes be procured or served upon any scholler, schollers servant, or priviledged person.

4. Item, wheras of late time the maior and burgesses of Cambridge have made leasses and grauntes, and have taken mony in the name of a fine, rent, or otherwise, for highe wayes, common streetes, common passages, or common pastures, within the towne of Cambridge and the precinctes therof; that heareafter no such leasses or grauntes be made, nor such monye as fine, rent, or otherwise, be receaved or taken, without the lawfull consentes of both bodies of th'university and towne.

5. Item, wheras the maiour and burgesses of Cambridge find them selves greved, for that some of theire bodie be discommoned, may it please your lordshipp, that the Universitie may not be inforced to alter yet theire course, except the maior and burgesses will first yelde theire consent that the Universitie, and priviledged persons of the same, shall not be excluded from such commodities belonging to the towne of Cambridge as by law and equitie the Universitie or priviledged persons therof may enjoye; viz. that the Universitie or theire priviledged persons be not excluded from having or enjoying bothes, bothe groundes, leasses, grauntes, etc.; from which the maior and burgesses have, by theire private order, discomined and excluded th'universitie, and the priviledged persons belonging to that bodie.

Item, for that damage or hurt done by cattle impounded of late time have not bene usually vewed by indifferent neighbores according to the lawdable customes of other well ordered townes; but the partie owing the cattle impounded is inforced either to make satisfaccion to the will of the maior, or some of that bodie, or els his cattle to remayne impounded to his prejudice: order may be taken that presently, uppon the impounding of any cattle, the hurt, or scathe, be vewed by indifferent neighbours, as well of the scholers, scholers servantes, or priviledged persons, as of the corporacion of the towne, so often as a scholler, scholers servant, or priviledged person shall happen to be a partie.

7. Item, because it is well knowne that heretofore, by the affeccion, or not indifferant impounding by the pounder, either early or late have lewdly driven the cattle feding uppon the common greenes, common pastures, or feildes lying in common, upon the corne, and so have bene occasion of hurt done, and have impounded the same; that of those pounders which shall hereafter impound any cattle, the half parte of them be chosen by the Universitie, and be sworne by the vice-chancellor faithfully and indifferently to use that office; and the other be chosen by the towne, and sworne by the maiour likewise faithfully to doe theire office.

8. Item, that the owner of the cattle impounded doe pay for everie head of such cattle iiij$^{d.}$; viz. a j$^{d.}$ to the pounder, and iij$^{d.}$ to the vice-chancellor, so ofte as a scholer, scholers servant, or priviledged person of the University, be a partie, over and besides the damages or hurt done, to be adjudged by the vice-chancellor after the vewe had by indifferent neighbours; and soe ofte as a scholler, schollers servant, or priviledged person aforsaid, is not a partie, a j$^{d.}$ to be paied to the pounder, and iij$^{d.}$ to the maiour, for everie head of cattle so impounded, over and besides the

valor of the damage or hurt done, to be adjudged by the maiour according to the vewe taken by indifferent neighbores, as is aforesaide.

June 28, 1587.

ANSWER TO THE MAYOR.

[From MS. Lansd. no. 54, art. 13.]

Theffect of the answer delivered by D. Perne to the compleint of the maiour of Cambridge, touching a controversie for the impounding of certein hogges of William Hammondes, berebruer; which compleint Dr. Perne receved in wryting, and is to make answer unto in writing again; wherunto the compleynants are to be further referred.

First, as touching the person of the said William Hammond, to be priviledged as a schollers servaunt, there was shewed to me a patent under the common seale of Jesus Colledg, whereby he is reteyned as their officer for the collection of their rentes in Cambridg, which, as was said, amount very nere to lx$^{li.}$; for the which he hath fee per annum, xiij$^{s.}$ iiij$^{d.}$

Touching the deteyning of one Joseph in prison, notwithstanding two writtes of *habeas corpus* out of the kinges bench, said to be delivered to the vice-chauncelor, and not returned; the said D. Perne shewed both the said writtes, with their severall returnes, endorced by D. Copcotes, the vice-chauncelor, whereof the one being the originall was certified in the return with a *tarde;* the other, being an *alias*, was said to be delivered to the vice-chauncelor by the handes of the said Joseph mencioned in the writt, so as he was out of prison, and thereby the effect of the writt could not be executed; and so is the return made accordingly.

As touching the replevin pretended to be graunted by the vice-chauncelor otherwise then hath ben accustomed,

the same is avowed justifiable, and that the Universitie intendith to prosecute the same by tryall of lawe.

For the supposed disorders with clubbes and other weapons, and the pound breaches, D. Perne undertook to geve answeres particularly both to the said disorders and to the other the premisses before mencioned, which he hath not yet returned.

CHARGES AGAINST THE MAYOR.

[From MS. Harl. no. 54, art. 15.]

How Mr. John Edmundes, now maior of Cambridge, was brought upp by the goodwill and liberalitie of th'universitie, and of divers scholers of the same, who did secretly reporte to my lord treasurer that he hadd no benefitt by any scholer of th'universitie, but that he was onelie one of the praysers of the same.

First, the saide John Edmundes was the sonne of Mr. Dr. Edmundes, a doctor of divinitie, and Mr. of Peterhouse in Cambridg, who was often tymes vice-chauncellor of the Universitie. The said John Edmundes was advanced nothing by his said father, Mr. Dr. Edmundes; Mr. John Mere, then one of the bedells, whose wife, being the sister to the mother of the saide John Edmundes, did bring upp the saide John from his childehoode, wherupon the saide John was called only, and knowne by the name of John Mere, untill now of late he was called John Edmundes, in the tyme of her majesties raign. The said Mr. Mere, bedle, did give to the saide John Edmundes, now maior, soe many shredes of copes and vestementes as were estemed worth abowte the somme of iij^{li}· vj^{s}· viij^{d}· After the deathe of the saide Mr. Mere, bedle, the saide John Mere, *alias* Edmundes, was received into service by the archbisshopp of Canterburie, bisshopp Parker, oute of whose service the saide John Mere was shortlye putt forthe for his ingratitude and stubbernes. After that he was re-

ceived into the service of Dr. Perne, then dene of Elye, for the goodwill which the saide Dr. Perne did beare to his father, with whome the saide John Edmundes did remayne in service above the space of vj. yeres at the leaste, as my lord of Canterburie can testifie to your honour, my lord of Peterborow, and Dr. Binge. In the meane time the said John Edmundes was made butler to the said Dr. Perne at Elye, and after that he did make him the butler of Peterhouse. The saide John Edmundes had, by the goodwill and meanes of the said Dr. Perne, his master, a lease of the deane and chapiter of Ely, called Quane, the which he did sell for the some of fiftie poundes. The said John had, by the meanes of the said Dr. Perne, the preferment of a lease of the house of Mr. Gastine, in the which the said John dwelleth, now being maiour, which is worth xx$^{li.}$ a yere, the which lease the said John hath now partly bought by the good helpe of his said late master, Mr. Dr. Perne. He was preferred, by the helpe of the said Dr. Perne, to be one of the praysers of the Universitie.

The said Dr. Perne did procure the said John Edmundes, with great laboure of his frendes, to be one of the vintenars of th'universitie of Cambridge, the which office he did sell for lxxx$^{li.}$, and put owte for his cause one Mr. Ventres, alderman of the towne of Cambridge, from the saide licence of selling of wine in Cambridge, for the said Ventres his ingratitude to th'universitie in denying that he was behoulding to the Universitie for that licence to sell wine theare, notwithstanding the said Doctor Perne did first graunt the said licence to the said Ventres, being then vice-chanceller. The said Dr. Perne was a meane to Justice Sute, and such aldermen of Cambridge as were against the saide John Edmundes for being maior this yere, and at his request his adversaries did give him theire consentes.

The said Dr. Pearne did also, at the request of the said maior, give a baron doo to his feast, the better, as he did pretend, to enterteyne the vice-chancellour and the heades of the Universitie at the maior and baliffes feast of the towne, as they were wont for to be invited. But this said Edmondes did not only not invite them, as they were wonte to be, but, as it were, in a fine manner forbid the vice-chancellor and the heades for to come thither to dinner; saying to Mr. vice-chauncellor, that he would not invite him to dinner on Michaelmas day, because that Dr. Perne was not then come to Cambridge; and immediatelie Mr. Dr. Perne coming to Cambridge on Michaelmas evene, the said maior sent him worde that he would not invite him, because he had not invited Mr. vice-chancellor to dinner the next day, saying that he would desire them both on other day to his owne house; the which he hath not done as yet. But the greatest discourtesie and disgrace by him done, and the which did most offend th'universitie and the said Dr. Perne was, that wheras all his predecessors did take theire oath most solemly, in the presence of the best both of the Universitie, towne, and countrye, so that the hall was then commonly so full, that the vice-chancellor coulde not well enter into the hall; this maior did so contemptuouslie behave him selfe at the execucion of the quenes majesties charter for the taking of the oath of maior and bailifes, for the dew observing of the peace of th'universitie, that he had so provided that almost none should be then present in the said hall at that time of taking the oath, but only the maior and the towne clerke of Cambridge, untill he was challenged by Mr. Dr. Perne for breaking the auntyent order, which required him to take it *in loco et more solito;* who did aunswere, that he did not knowe the custome, though Mr. Ball was by him there present at the giving of the same yerely, who was then at the giving of the same these xx^{tie} yeres and more; and so

hath the said Mr. maior, for the most parte, bene present at the giveing of the said oath by the vice-chancellor and the proctors to the maior and baliffes, when he did attende upon the said Mr. Dr. Perne. Thus have we trewly declared unto your honour the good and kinde dealing of Mr. maiour with the Universitie of Cambridge, and others belonging to the same.

Where Mr. Slegg did object to your honour the frendshipp, the which Mr. maiour was ashamed to doe, that Mr. maiour, being one of the vintenars of Cambridge, did shewe unto me in allowinge the impost, the which I thank your honor I have yerely, Mr. maiour did shewe to me therin noe more pleasure then any other vinteners woulde have done, either at Cambridge, at Lin, or at London, being allowed himselfe as much for the same. As touching any one quarte of wine that he pretended to have sent to me, yt was only to interteyne those his frendes at his request invited by me to dinner or to supper, to pleasure him in his great suite made for the office of the vintnershipp, the which he did sell for lxxx$^{li.}$; and for everie quarte of wine that he did send to me, it coste me above ij$^{s.}$ at his request.

It is no marvell that Mr. maior, being so lustie in his soden office of his maioraltye, so greatlie forgetting him selfe that ever he was a servant, that he will not stike to bragge when he is at Cambridge above all that hath bene before him in that office, which hathe given place alwayse there to your honours vice-chauncellour, that he would, if your honour were at Cambridge, goe before your honour, for that he is the quens levetenant of the townsemen, as your honour is the quenes livetenant of th'universitie. And yet the chanceller is, and alwayse hath bene, accompted by charter and otherwise the heade officer of Cambridg, before whome the maior and the bayliffes be yerely sworne, as well for the performinge of theire fidelitie to the prince, as also for the dew observing of the charters, liberties, and customes

of the said Universitie, and to the observing of the peace of the same. And so ought the sheriffe of Cambridg shier take yearely the like oath, as it appeareth in the crowne office and of other auncient recordes, and as the srive of Oxford doth at this day quietly. The which auncient oath, to be so likewise now taken by the shrive of Cambridge, is more necessary then it was these many yeares past, for the staying of these writtes of *habeas corpus*, wherby all the previledges, and quietnes of the Universitie, the which is the end of all our previledges, is all overthrowne; except your honour, with the rest of hir majesties honorable privie counsell, helpe the Universitie against the common lawyers, enemyes to all priviledges herein. And we doe trust that the rest of hir majesties honorable privie counsell wilbe willinge to favor your honors suite, for the Universities singular benefitt and quietnes herein; and so all the whole Universitie and theire posteritie shall have most just cause to pray to almightie God for your honors long continuance in all honorable prosperitie.

Your honors most bownden dayly orator,

ANDREW PERN.

[Endorsed.] The manner of John Edmundes, maiour of Cambridge, his bringing upp.

[From MS. Lansd. no. 54, art. 26.]

To prove that the chauncellour, maisters, and scholars of the Universitie of Cambridge may, in theire courte there, punish personall wrongs or injuries betwixt partie and partie, not punishable by the common lawes of the realme; and that they may in such actions proceade accordinge to the order of the civill lawe; it is alleadged on the behalf of the said Universitie as followeth.

1. KINGE Richard the Second, under his heighnes lettres patents, in the seaventh yeare of his raigne, did graunte to

the said Universitie, *in hæc verba, Volumus et concedimus, ac præsenti carta nostra confirmamus, pro nobis et hæredibus nostris, quod cancellarius dictæ Universitatis ejusque successores, et eorum loca tenentes, coram seipso in perpetuum habeant cognitionem omnimodorum placitorum personalium, tam debitorum computorum, et quorumcunque aliorum contractuum et injuriarum, quam transgressionum contra pacem et misprisionum quarumcunque, infra villam et suburbia prædicta factorum (mahemio et fellonia duntaxat exceptis), ubi magister, vel scholaris, seu serviens scholaris, aut communis minister dictæ Universitatis, unus partium fuerit, et ea teneant ubicunque eis infra villam prædictam et suburbia ejusdem placuerint, et inde executionem secundum leges et consuetudines suas faciant, et de hujusmodi transgressionibus, tam ex efficio, quam ad sectam partis, in forma prædicta inquirant.*

2. Before and since which graunte the chauncellour of the Universitie hath ever dealte in actions of suche nature as aforesaid, and hath therin proceaded accordinge to the course of the civill lawe; as is to be proved by their records.

3. Furthermore, whereas in the time of the same rigne the courte of the arches would have inhibited the vice-chauncellor of the said Universitie for proceadinge in ecclesiasticall causes, and injuries betwixt partie and partie, the kinge did send forth his writ to the deane, or officiall there, recitinge therin his forsaid charter, and prohibitinge them to send forth anie such inhibicions.

4. The queenes majestie that nowe is did allso, in the third yeare of hir raigne, by hir heignes letters patents, graunte the like previlidges to the Universitie of Cambridge as kinge Richard the Second had done; in which charter is allso conteyned: *Quod secundum leges et consuetudines suas inquirant, et cognoscant, et finale determinent, eisdem modo et forma prout ante hæc tempora usi fuerint.* And allso, that the scholars and scholars servants shall pleade

and be impleaded in the same courte, *et non alibi, neque alio modo.*

5. Amongest manie other lawes and statutes given by hir majestie unto the said Universitie, under the greate seale of England, in the twelf of hir heighnes raigne, it is thus contained as followeth, viz.: *Quod cancellarius potestatem habebit ad omnes omnium scholasticorum atque etiam eorum famulorum controversias, summarie, et sine ulla juris solennitate, præter illam quam nos præscribemus secundum jus civile et eorum privilegia et consuetudines, tum audiendas, tum dirimendas:* which statute was agreable unto the like lawe given by hir heighnes progenitors in former times.

6. The foresaid charters, lawes, and customes, are by acte of parliament, *in anno* 13° of hir heighnes raigne, confirmed: in which act is allso a graunte of so much as is conteined in the charters, with a *non obstante* concerninge anie lawe, statute, usage, custome, construction, or other thinge to the contrarie.

1587.

UNIVERSITY PRIVILEGES.

[From MS. Lansd. no. 54, art. 27.]

To prove that the proceadinge by the Universitie of Cambridge against forestallers, regraters, and ingressers, as they do use it, is lawfull, it is alleadged as followeth.

1. Kinge Henrye the Third, under his heighnes lettres patents, in the 52 yeare of his raigne, did graunte to the Universitie, *in hæc verba, Quod nullus regratarius emat victualia in villa Cantabrigiæ, vel extra versus villam venientia, nec aliquid emat ut iterum vendat, ante horam tertiam; et si fecerit, amerciet secundum quantitatem et qualitatem delicti.*

2. Kinge Richard the Second, in the 8 yeare of his raigne, did graunte unto the said Universitie, *in hæc verba, Quod cancellarius, magistri, et scholares, summonere possint, per ministros suos proprios, homines dictæ villæ Cantabrigiæ et suburbiorum ejusdem, per quos rei veritas sciri poterit, ad veniendum et comparendum coram eis, et ad præsentandum per eorum sacramentum, tam de forstallatoribus et regratoriis, carnibus et piscibus putridis, vitiosis, et alias incompetentibus, quam de aliis victualibus.*

3. The queenes majestie that nowe is did, in the third yeare of hir heighnes raigne, under hir lettres patents, graunte, *in hæc verba, viz. Quod prædicti cancellarius, magistri, et scholares, et successores sui, et eorum vicegerentes, de tempore in tempus, soli et in solidum habeant potestatem inquirendi et cognoscendi de omnibus et singulis forstallatoribus, regratoriis, et ingrossatoribus, Anglice vocatis* ingrossers, *in prædicta villa Cantabrigiæ et suburbiis prædictis, et super his punitionem debitam faciendi, secundum leges et consuetudines suas, vel secundum statuta et actus parliamenti jam edita, seu imposterum edenda.*

4. The said charters are confirmed by acte of parliament in the 13th of hir majesties raigne, with a *non obstante* in respect of anie statute, lawe, usage, custome, construction, or anie thinge to the contrarie.

5. Accordinge to the said charters there is a jurie impaniled, which doth enquire of the offences aforesaid; and the Universitie taketh it that the inquirie therupon doth lawfullie belonge unto them, by force of the said charters; neither do they claime to punishe the said offences as matters belonginge to a leete, or punishable in a leete.

PROVISO OF THE TOWN.

[From MS. Lansd. no. 54, art. 28.]

A provysoe for byinge and convey corne.

PROVYDED allwaies, and be yt enacted by thaucthorytie of this present parliament, that the statute of 13 of her majesties raygne, and confirmed 14to, do not extende in any wyse to prohibit or restraygne eyther the maiour or commonaltie of the cytye of Oxforde, or the maiour, balyffes, or burgesses of the towne of Cambridge, or the successours of eyther of the corporacions, or any of the citizens or burgesses of the citye or towne, which nowe bee or herafter shalbe, from buyinge, sellinge, carryinge, and transpourtinge any of their corne, graine, or other victuell, in suche sorte, maner, and forme, as they and every of them might lawfullie doe, and did before the makinge of the saide statutes, any thinge to the contrarye notwithstandinge.

OBJECTIONS OF THE UNIVERSITY.

[From MS. Lansd. no. 54, art. 29.]

The reasons of the schollers of both the Universities agaynste the provisoe propounded by the townesmen of Cambrydge and Oxforde.

1. FIRSTE, yf this provisoe shoulde be granted by this presente honorable courte of parlyament, then that benefite that was intended to both the Universyties by acte of parliamente, holden *anno* 13 of hir majesties reigne, sholde not only no whitt be beneficiall to the releife of the poore schollers of both the Universities (as it is now very litle or nothinge at all), but also yt sholde be to the greate hurte of the same Universities; and that benefite which her majestie did forbeare from hir owne provysion, to the ende

to have yt converted to the commoditie of the saide poore schollers of both the Universities, shoulde be wholly converted to the inhabitauntes of the towne of Cambrydge and Oxforde, and to the inhabitauntes of the precincte of the v. myles to both the Universities. For if they may freelye transporte, keepe, and at their pleasure buy all kinde of corne and victuall, without lycence or contradition, eyther of hir majesties officers or of the Unyversities, then shall the saide inhabitauntes, by their free ingrossinge and transportinge of corne and victualls, increase the pryses of them, to their only advantage, and to the raisinge of the pryses, to the greate hinderance of the poore schollers of both the Universities, and the reste of the pore inhabitantes of both the sayde townes, the which are not of the corporation of eyther of the sayde townes.

2. Secondly, this provisoe ys contrarye to the wordes and meanynge of the sayde acte; for then not only the auctoritie that is geven by the sayde acte to the chauncellors of eyther of the Unyversities which geveth lycence, and by their discretyon they maye licence such as shoulde buy any corne or victualls within the sayde precinte, shoulde, by this graunte, be taken away from them.

3. Thirdly, by this provisoe the authoritie that ys geven by the forsayde acte to both the chauncellors and to two justices of peace of both the sayde Universyties, to geve licence to any of hir majesties takers or purveyours to take corne or grayne of any inhabitante within fyve miles of eyther the sayde Unyversities, the which thorowe their ingratitude wolde refuse to serve any corne or victuall to the benefite of the poore schollers of eyther of the sayde Unyversities, shoulde be cleane taken awaye both from her majestie and from both the Universities.

4. Laste of all, the incorporacions and inhabitauntes of both the towne of Cambrydge and of the citie of Oxforde, the which before the makinge of this acte had noe more

lycence of buyinge and sellinge of corne or of victualls than had any other markett towne in this realme, should wynne to them by this acte a new singuler priviledge of buyinge and sellinge to their private and singular gaine, and to the greate hurte of both the Universities thorow their *, as well from the quenes majesties takers, as also of the officers of eyther of the saide Universities, of all manner of grayne and victualls, ingrossed into their handes as in a sanctuarye, and in the free transportinge of the same when yt shalbe to their beste advantage, not only without any benefyte redoundinge to ether of the sayde Unyversities, but also the greate hinderance of the same and to the reste of the inhabitauntes that are out of the said corporacions, both contrarye to the godlye meanynge of hir majestie and this honourable courte of parlyamente, which intended a great benefyte to come therby to the releve of the poore schollers of the said Universyties, and as the gentlemen of the sayde shire inhabitinge within the saide precincte did promyse to afforde to the singular benefite of the Universities aforsayde, the which the townsmen and inhabytantes within the precinctes of v. myles doe now utterlye refuse to perfourme, convertinge the whole benefite of the godly acte to their owne pryvate benefite: wherfore, excepte the sayde townsmen with the reste of the inhabytauntes of the precincte of v. myles shall willingly yelde a better commoditie to the saide Universyties, the chauncelloures and schollers of eyther of the sayd Unyversities will willinglye desyre the sayde acte of 13°, and confirmed in the yeare of hir majesties reigne 14°, to cease and to be made voide from henceforth, beinge contented with the benefite of hir majesties former pryvyledges graunted to eyther of the sayde Universities.

* A blank in the original.

CASE OF RALPH DURDEN.

THE VICE-CHANCELLOR TO LORD BURGHLEY.

[From MS. Lansd. no. 54, art. 8.]

To the right honorable his very good lord, the lord Burghlye, lord treasurer of England, and chancellour of the Universitye of Cambridge, geve thes.

RIGHT honorable my very good lorde; Raphe Durden, bachelour of art in Pembroke Hall, and after minister in Essex, from whence he came and kept with his frends in Cambridge, was imprisoned by me in November last, because he named him selfe Elias, and being at libertye would be preaching very disorderly in every place whither he could come. Sins that tyme he hathe written certaine papers, and as it semeth dispersed them abroade, interpreting the Revelation of St. John after his owne fansye, and bothe in word and writing hathe uttered sume dangerous matter towching the estate of this realme, as by the examination of Robert Williamson here inclosed may appeare, and also by other papers which I send unto youre lordship sealed in a severall paper. I had them from the tolboth, where Durden remayneth, and thither I have sent Williamson, till I heare further your lordshipes pleasure. God preserve youre lordship in health and longe life to his glorye. From Trinitye Colledg, in Cambridge, the 25th of June, *anno* 1587.

Youre lordshipes most bownden,

JOHN COPCOT.

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xxiiijth Junii, 1587°.—The examinacion and confession of Robert Williamson, of Cambridg, taylour, had and made before Mr. John Copcot, doctor of divinitie, and vice-chauncelour of Cambridg, and Mr. Isaac Baro, doctor of physicke.

THE said Robert Williamson saith, that he cam first acquainted with Raffe Durdon in the tolbouth, being bothe there prisoners, which

Durdon nameth himself Elias; and that Durdon said that the xxiiijth of February come twelmonth England shall have a new prince, and that prince shall reigne but five monethes, and he shalbe a papist.

Item, Durdon said, all that tarye in England shalbe damned, excepte they goe with hym the said Durdon to buyld Jerusalem.

Item, the said Durdon said, that he hymself, viz. the said Durdon, should be kyng of the whole earth.

Item, this examinat saith, that Durdon said he had a marke upon his lefte thigh, which divers then present would have seen, but Durdon refused so to do, but afterward he Durdon shewed it to this examinat, and it was a litle round spot; and further Durdon said, That rounde circle doth signifie that I shalbe kinge of the whole earth.

Item, this examinat saith, that he had a writtinge of the said Durdons opynions about a month past delyvered unto hym by the said Durdon, which he Durdon wylled the said examinat to showe to any lerned man.

Item, this examinat saith, that one Henry Reeder, a collier, was in the tolbouth with this examinat, and so cam acquainted with hym, who of late passing by this examinattes howse desiered of hym the forsaid writtinge to shewe it to their vicar, and promised to brynge the said writting backe agayne shortlye to this examinat.

Concordat cum originali; ita testor,

MATTHEUS STOKYS,
Notarius publicus.

This writing came to the hands of Mr. Hunt, justice of peace in Suffocke, 12 miles from Cambridge, who came hither the 24th of June to inquire whither Reeder had this writing from Williamson or not.

PAPER CONCERNING TUTORS IN THE UNIVERSITY.

LORD BURGHLEY TO THE VICE-CHANCELLOR.

[From MS. Lansd. no. 54, art. 11.]

Min. touching pupils. To the vice-chauncelor, for the restraint of certain abuses in the University.

After my hartie commendacions, Mr. vice-chauncellour; liking very well of divers thinges which I am given to understand that yow have well reformed in the Universitie in your time, so am I credibly informed by the great complainte of divers both worshipfull and wise parentes, the which have broughte their children to the Universitie, that thorowe the great stipendes of tutors and the little paines they doe take in the instructinge and well-governinge of their puples, not onely the poorer sorte are not able to maintaine their children at the Universitie, and the ritcher be soe corrupte with libertie and remissnes, so that the tutour is more afrayed to displease his puple thorowe the desire of greate gaine, the which he haith by his tutorage, then the puple is of his tutour, that their parentes dothe greatly complaine both of the losse of their childrens tyme and of the greatnes of their charges, as well in tutour stipende as in their sumptuous apparrell; the which thinges, yf yow with the reste of the heades can devise to have redressed with speed, yow shall doe a very necessary good acte therin, and yow shall have myne assistaunce therto moste willinglye. Thorowe these great stipendes of tutors cometh the greate excesse of apparell in fellowes of colledges of late more then hath bene, in wearinge of satten dublettes, silke, and velvett over-stockes, and facynge of gownes with velvett and satten to the grownde, and in great fine ruffes, contrarye to lawe and order: all which I will have yow to se reformed with speed. Ther is soe

muche wasted this waye, and in the towne on Fridayes and Saturdayes, that they doe leave their sizinge and determ^tes unpayed monethlye in the colledges, and alsoe are, as I heare, greatlie indebted to the drapers and victualers in the towne; the which I would have yow take order for, that these debtes, as well of colledges as of private men, bee discharged presently, and that ther be noe more suche debtes hereafter, and to certifie me the names of those colledges and particuler persons that shall make defaulte in anie of the premisses faithfullie and without delaye. And thus I doe wishe yow well to fare. From my house in the Strande, this laste of June, 1587.

Your lovinge friend.

GRACES OF THE SENATE.

July 5, 1587.

Quemadmodum a majore, ballivis, et burgensibus hujus oppidi Cantabrigiensis multis antehac elapsis annis decretum et constitutum esse intelligimus, ne ulla ædificia, prædia, officia, aut commoda, ad ipsum oppidum quoquo modo pertinentia, ad ullum alium transferantur, nisi in aliquem ex burgensibus hujus oppidi, ne neglectis qui sunt ex propria eorum familia alienis a suo corpore consulerent, sed potius membra corporis sui non solum propriis suis beneficiis locupletantes, sed etiam multa eaque maxima beneficia ab ipsa academia et collegiis percipientes, optimos quosque ab academia deficere et in eorum album propter spem et expectationem uberioris commodi cooptari faciant: ita nostris academicis præsidiis et opibus armati, fortius academiam oppugnare valent et solent.

Placet igitur vobis ut non liceat deinceps alicui scholari

hujus academiæ, sive magistro, sive socio, alicujus collegii, aulæ, domus, vel hospitii, sive alii alicui scholari seu privilegio scholaris gaudenti, aliquas terras, domos, tenementa, sive officia, ad academiam, collegia, dictos scholares, servientes, vel scholaris privilegio gaudentes, seu ad eorum aliquem pertinentia, alicui majori, ballivo, vel burgensi hujus oppidi Cantabrigiæ mediate vel immediate per se vel per alium locare, vendere, dare, conferre, aut quocunque alio modo utenda permittere, sine licentia procancellarii, magistrorum, et scholarium, sub pœna tripli valoris rei sic venditæ, locatæ, donatæ, aut aliquo alio modo alienatæ committendi; quam pœnam singuli procancellarii suo quique anno, seu eorum deputati qui pro tempore fuerint, tenebuntur ab hujus decreti violatoribus cum effectu exigere et communi cistæ solvere, sub pœna quadraginta librarum a singulis procancellariis seu eorum deputatis sic exigere et solvere negligentibus academiæ committendarum; et ut hoc decretum pro statuto habeatur, et in libro statutorum inscribatur, et singulis annis legatur in prima congregatione post festum Michaelis archangeli.

Univ. Stat. p. 360; Book of Graces, Δ, fol. 153, *b*.

October 23, 1587.

Quum protervitas oppidanorum vobis satis cognita sit, et prudentis sit omnes contentionum causas præcidere:

Placet vobis, ut si qui jam sint aut in posterum futuri sint scholares aut servientes scholarium, semel sacramento Universitati obligati, postea ad oppidanos transfugiant, ipso facto a communione scholarium segregentur in perpetuum; et hæc vestra concessio pro statuto habeatur.

CASE OF MR. DIGBY.

LORD BURGHLEY AND ARCHBISHOP WHITGIFT TO THE VICE-CHANCELLOR.

[From MS. Lansd. no. 103, art. 29.]

To our very lovinge friends, doctour Legg, vice-chauncellour of the Universitie of Cambridge, doctour Perne, and doctour Bell, or to any twoe of them.

After our verie hartie commendacions: wheareas Mr. Edward Digbie, one of the seniours of St. Johns colledge in that Universitie of Cambrige, hath been heare and made his complaint unto us, as visitours of that colledge, for redresse of an injurie done unto him (as he pretendeth) by Mr. D. Whitacre, master of the said colledge of St. Johns, towching his late deprivacion; whearein he chargeth him to have proceaded rather of particuler displesure and malice towardes him, than of anie just cawse geven on his part. And for that wee cannott lesse doe, than to have an examinacion of the said proceadinge against him, having appealed to us the visitours, thearebie as wee shall see cawse to judge thereof, either for the allowance or disallowance of the same; whearein, althowgh wee had a good minde to have delt our selves, yet howe trowblesome and inconvenient it would be to call hether the said master, and such others as on either part shall be neadefull to be produced for the manifestacion or proof of manie thinges that of necessitie must fall owt on either part: wee have thearefore thowght better hearebie to authorise and appoint yowe to call before yow the said Mr. D. Whitacre, the master, and the said Mr. Digbye, and theareuppon to heare what can be said or alledged either by the said master concerning the cawses moving him to proceed to the foresaid deprivacion, as also of Mr. Digbies griefves against the said master concerning his proceadinges, as he suggesteth; wherein yowe

maie examin anie such persons as on either part shall be named by them, to justefie the doinges of the one, or to cleare the other; whearein wee praie yow carefullie and effectuallie to proceade, and theareuppon with such convenient speed as yow can to advertise us, that by the same your report made, whearein wee doubt not but yowe will plainelie and at good length advertise us of all necessarie circumstances for our better understanding of the same, wee maie further consider what shall be fitt to be done thearein: and so wee bid yow hartelie farewell. From Westminster, this xiiijth of February, 1587.

Your verie loving frendes,

Jo. Cantuar.
W. Burghley.

DISPUTE RESPECTING WINES.

THE HEADS TO THE QUEEN.

[From MS. Lansd. no. 57, art. 79.]

Excellentissimæ illustrissimæque principi, dominæ Elizabethæ, Angliæ, Franciæ, et Hiberniæ reginæ, vere regiis virtutibus illustrissimæ, piæ, felici, semper augustæ, dominæ nostræ clementissimæ.

Majestati vestræ (serenissima princeps) vere profecto augustæ multoque augustissimæ aliam rem nullam ne parem quidem agnoscit Anglia; unam erga bonas literas bonitatem ipsa etiam majestate majorem et sua voce gratissime agnoscit et tuis meritis abunde cognoscit academia. Non immerito itaque illa regalis excellentiæ vestræ majestati singularis itidem clementiæ magnitudinem libentissime semper conferre, sæpe etiam præferre, solet: neque magis veretur principem interpellare omnium longe maximam, quam eandem audet appellare reginam omnium multo optimam. Quam enim principem antiquarum nos-

trarum immunitatum et amplificatricem locupletissimam, et novarum etiam auctorem amplissimam, singulari suo beneficio nostro bono jampridem experti sumus: eam utriusque profecto et eximiæ nobilissimorum majorum suorum voluntatis conservatricem, et suæ itidem excellentissimæ auctoritatis propugnatricem fore sine scelere dubitare non possumus. Quo certe nos alacrius a majestate vestra tanto omnium optima quanto maxima supplices contendimus, ut libertatibus ac privilegiis præclarissima illa tua in tuam academiam caritate nobis olim concessis, nuper autem nimia quorundam importunitate (contra quam immunitates nostræ regalibus vestris diplomatis consignatæ videntur permittere) apud fisci vestri judices honorificos hoc ipso tempore oppugnatis, certissimum illud egregiæ facilitatis tuæ subsidium, munitissimum regiæ vestræ auctoritatis præsidium adhibere digneris. Pluribus æquissimam totius causæ rationem singulari vestræ majestatis æquitati commendare magnopere liberet, modo citra graviorem excellentiæ vestræ molestiam singula liberius consectari liceret. Cætera itaque uberiore explicatione sigillatim exposita ab honoratissimo comite Essexio, optimæ causæ optimo patrono, benigne ut exaudias majorem in modum obsecramus. Dominus dominantium sacram majestatem tuam suæ fidei, nostrarum literarum defensorem, tuo imperio majorem, tuorum Anglorum votis feliciorem semper indies efficiat. Cantabrig. tuæ, 6° Idus April. anno regni vestri semper florentissimi xxx°.

Serenissimæ vestræ majestatis assidui oratores,
Procancellarius Cantabrigiensis et reliqui
collegiorum præfecti.

[This letter was followed by a writ of privy seal, directed to the court of exchequer, to surcease from the process.]

CASE OF MR. DIGBY.

DR. WHITAKER TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 78.]

To the right honorable my very good lord, the lord of Burgheley, lord highe treasurer of England.

After my humble duty to your honorable lordship; I receved from Mr. Wilkinson, attending upon your honor, a lettre which my lordes grace of Canterbury had written to your honour, touching Mr. Digbeies cause, wherin his grace hath enformed your lordship of certaine reasons moving hym to thinck that Mr. Digbey hath wrong offred hym, in that he hath bene deprived of his felowship. And whereas your honors pleasure is to have myne answear to the said reasons, I have, as briefely as I could, and plainly, sett downe what I have to say for my proceding against hym, and how I can justifie my dealing in those poyntes towched by my lordes grace; wherin, if I have not fully satisfied your honor, or if you desire any point in my severall answears to be more substantially proved, I crave of your lordship to have some other apointed for the hearing and examining therof. But I hope by these my answears, it will appear to your lordship that I have done nothing but according to statute; and thoughe it were in extremitie, yet I trust justifiable against that party. My desire is, not to be maintayned in any unjust acte, but I have sure hope in your honorable wisdome to be assisted in my lawfull dealings against such especially as have deserved no extraordinary favour at your hands, but rather to be removed, if ordinary justice may be executed. And thus I commend the wholl cause to your honorable lordship, expecting your pleasure, as Godd shall directe yow, which shall turne (I trust) to Gods glory, and good of this college and University. The Lord preserve

your honor in all happines, for the continuall good of his church and this realme. From St. Johns, this 4 of Aprill, 1588.

Your honors most bownden,

William Whitaker.

The answers of William Whittaker to th'objections offered by Everard Digby to my lord his grace of Canterbury, and by him communicated with my lord treasurer, as well touching th'offence of the sayd Digby, as also the manner of proceedinge used against him for the same.

1. Touching th'offence.

Ob. 1[a.] Mr. Taylers letter and Mr. Duckets oth testifie that there was a decree that the steward shold come to the seniors chamber to receave the debt, etc.

Resp. If there had been opportunitie to have ministred interrogatories to either of the sayd witnesses, I doubt not but th'insufficiency of their testimonies wold easelie have appeared. But letting their depositions stand as they doe, and omitting also all other probable conjectures that might be brought to disproove that pretended decree, and adding further (which is most true), that no decree bindeth unless it be written in the colledge-book, and subscribed with the mayster and seniors hands (which cannot be shewed in this case), I take this for a certaine ground that no decree made by the master and company may any wayes be admitted to cross the true meaning of the statute. Now, the principall scope of the statute is, that the debt shold be answered within the time limited; but it may often and very easely fall out that the steward shall not find all the seniors in their chambers within the time, and yet shold he be bound by that decree to goe unto them all, whereby it may come to pass that the debt shall not be discharged in such time as the statute requireth. And although the pretended decree could so farre bind the steward as to make him punishable for not comming to the seniors chambers, yet can it not releive the senior (if he make not payment) from the payne of the statute, for by statute every man is bound within the time limited to pay his debt, whether it be demaunded or no. *Dies enim interpellat pro homine*, as may appeare by the words of the statute, which are these: *Et quod quilibet*

hujusmodi tutor singulis mensibus, vel saltem intra 7 dies finem uniuscujusque mensis proxime sequentes, seneschallo, etc. tum pro suis ipsius tum pro omnium et singulorum suorum pupillorum communis, etc. persolvet. Hoc qui non fecerit, postquam seneschallus, etc. octavo die proxime sequente finem cujuslibet mensis ut prædictum est, et tutor et pupillus in hac parte peccans, penitus a communis et sisatione in dicto collegio excludetur: cujus exclusionis publicatio, etc. eodem octavo die, etc. aut omnino proximo, etc. peragetur. All which proceeding wold easely be defeated if a decree might be admitted, whereby the steward shold be compellable to come to the chambers of the seniors.

Ob. 2ª. The usage and custome hath been, that the stewards shold come to the chambers of the seniors.

Resp. Albeit before the making and publishing of our last statutes, it might seem well inough to stand with good order, that the manciple (exercising the stewards office) shold wayt on the seniors at their chambers, yet were it now very inconvenient to observe such a custome, the stuard being one of the seniors, and (as it now standeth) in place also above diverse of the seniors. Againe, the usage heretoofore hath been diverse, for it wilbe justified that the seniors have come to the stewards chamber, as well as he hath gone to theirs. Lastly, this custome might no less prejudice the statute then the pretended decree, for the causes already alledged, and therefore not to be suffered, especially sith the statutes, to meet with all such colours, have these express words: *Cap.* 50. *Nolentes quod per consuetudinem ullam, vel diuturnum aliquem abusum, aut demum actum aliquem, verbis aut intentioni* (which words are chiefly to be noted) *dictorum statutorum in aliquo derogetur.*

Ob. 3ª. Mr. Digby desired the maister to take up this controversie between him and the steward, and then he promised to pay the mony.

Resp. This request of Mr. Digby was not made to the mayster till all the three admonitions were past, whereby Mr. Digby, by sentence of statute, was *ipso facto* not fellow; then wold it not have been safe for the maister to have taken upon him to compound the matter, least thereby he might have been charged with breach of statute, and yet, *si res fuisset integra*, it is not likely that Mr. Digby wold have obeied the maister his determination (had it made against him); for about the same time he wilfully brake an order which the maister and seniors had then newly taken, geving thereby occasion of daungerous tumult in the colledge. And not long before he

openly denied the presidents authoritie before all the boies in the hall.

Ob. 4ª. Mr. Digby offered to pay the debt if the steward wold have gone with him to his chamber.

Resp. It wilbe justified that the steward came two severall times to Mr. Digby to receave the debt; at th'one time he delivered to him a paper conteining his owne and his puples particuler debts; at the other he brought his booke of reckonings, and that was even at the same time that Mr. Digby sayth he hadd his monie ready in his hand. And as for going to his chamber, the steward was willing to have satisfied him also in that point, and did offer to goe with him, and that in the hearing of fourty at once. But as he was going, Mr. Digby, seeking to disgrace him, wold needs commaund him to follow him, adding these words: By God, I will make you waite on mee. Upon which speech the steward, for th'avoyding of contempt among the boyes (in whose hearing those words were uttered), thought it not convenient to goe any further after him. And whereas Mr. Digby thinketh that the circumstance of this his dealing shold be sufficient argument to excuse him *a mala fide et affectata mora;* such as I have consulted withall in this case are of opinion that his *mala fides* doth plainly appeare, in that that the debt being made knowne to him, and the day of payment past, and hee called upon for it, and having the money present in his hand, and dayly growing more and more within the compase of the punishment set downe in statute, wold yet for all this never make tender of the monie, but did choose rather *contendere quam æs alienum dissolvere.*

2. Touching the defects supposed in the manner of proceedinge.

Ob. 1ª. In the publication of his discommoninge his name was not particularly expressed.

Resp. The fact standeth thus: the day of paiment being past, the steward delivered up a note of the names of such as hadd not paied to the senior fellow in the chappell, who was then Doctor Hickman, who published that note by these or the like words: I doe here publish unto you, that those whose names the steward hath here delivered up in a bill are owt of commons, for not paiment of their commons, according to statute; who they be, may easely be knowne, for that they shall find their names crossed in the buttery table. In this action I hope nothing can be justly challenged, as not done according to our statute, for, first, there is not any pre-

script forme of words sett downe in statute to be used in this publication ; it followeth that it is left to the discretion of the publisher. Againe, it cannot be obscure or doutfull who are thus published, for they are referred to the buttery table, which is plaine and certaine ; and I am informed that in equity of lawe an express certaintie and a relation to a certaynty is all one. And lastly, by custome, which is called *optima legum interpres*, the publication in such cases have alwaies been made after the same manner, and that chiefly (as I think, and as some of Mr. Digbies frends have also acknowledged), for that in these cases it wold be odious to name the fellows particularly before the younger sort.

Ob. 2$^{a.}$ The crossing in the buttery table is not sufficiently prooved.

Resp. It was never denied, neither is it to this day, by Mr. Digby himself, and the cross was seen upon his name by moe then twenty witnesses, and testified by oth, not only by Doctor Hickman, but also by the butler, who saw Mr. Digby put it of, contrary to all order and good government.

Ob. 3$^{a.}$ The chamber was not entred upon after 8 dayes, which shold have been done by statute.

Resp. The statute conteineth two principall matters, th'one concerneth th'offence of not paing commons, th'other toucheth the contumacy and contempt of th'offender in taking his repast being discommoned. Mr. Digby was proceeded against for the second matter, which himself so hastened, by multiplying his contempt, that he became *non socius ipso facto* before the time was come to deal with the chamber, for the chamber may not be entred upon untill *alii* 8to *dies* be passed, which, with the first 8, make 16, *post finem mensis*, before which time he had receaved three severall admonitions for thre severall contempts, and thereby became no fellow* . . . . . his deputy is not to be charged for not entring upon his chamber; for the statute sayth, *si quis tutor sic exclusus, etc. non persolverit, etc. tunc magistro aut præsidi, etc. liberum erit, etc. ac virtute etiam hujus statuti tenebuntur in cubiculum ejusdem tutoris intrare;* wherefore he being then no fellow, could be no tutor, for every tutor must bee either the master or some of the fellowes, as the statute provideth in the beginninge.

Ob. 4$^{a.}$ Th'admonitions were not sufficiently prooved.

Resp. Though Mr. Digby stand upon the invaliditie of the ad-

* A line appears to be cut off the foot of the page.

monitions, yet I think he will not flatly affirme that they were not geven, for himself saith they were but as frendly warnings, etc. But howsoever he denie them, yet are they justifiable by oth as well of him that gave them as of other then present when they were geven. The first was geven in the presence of Doctor Hickman, Mr. Robson, and Mr. Alrey; the second in the presence of Doctor Hickman and Mr. Alrey; the third before Doctor Hickman and Mr. Cleyton; and least quarrells shold be picked against any of these, there was a fourth added by the master himselfe, before Mr. Palmer, Mr. Munsey, and Mr. Booth.

Ob. 5ª. They are not to be accounted admonitions, being not geven judicially, *scil.* in covenient time and place, and in such sort as the party may take knowledge thereof, but *obiter* and sclenderly, etc.; neither were they written in the booke in the presence of the party and other before whome they were geven.

Resp. The forme of admonition set downe in the statute generally, as well for non-payment as for contempt, is this, viz. that it shold be geven by the master or president, before two or three seniors or their deputies, and that they shold be entred into the book by the master or president; but particularly as the statute requireth eight dayes space between every admonition, in case of non-payment, so in case of contempt it setteth downe, *quoties deliquerit postquam magistro vel præsidi significatum fuerit.* Other circumstance in this statute is not required, neither of place nor for speciall solemnity or severitie, nor for presence of the party, either at the serving of the admonitions (although that was performed) or at th'entrance thereof in the booke. And yet it is to be marveyled that Mr. Digby will now alledge that the admonitions were but *obiter* and sclenderly geven, seeing that at the geving of them not onely he and his frends were offended therewith, but also himself did break out publikely into unseemly speeches against the president. As for his owne presence at the entrance of his admonitions, as no word of statute doth require it, so it is quite from the meaning thereof, sith in express words the statute setteth downe that the very geving of the admonition may be executed in the parties absence.

Ob. 6ª. There is onely one forme of admonition for not paying commons, and for presuming to take them, etc. Now, 8 dayes space is required between every admonition for non-payment, which was not observed in this action, but he had 3 admonitions within three dayes.

Resp. The generall forme of admonition common to both the cases, as well for non-payment as for presuming, etc., is no other then such as is signified in the answer last precedent, viz. in respect of the gever of the admonitions, in respect of them before whome it was to be geven, and in respect of the entring thereof into the booke. Touching the times, the law itself doth make a difference, for in one case it appointeth 8 dayes distance, and in the other it sayth, *quoties deliquerit postquam significatum fuerit.* And albeit I take not upon mee to examine the reasons that moved the law makers thus to ordeine, yet me thinks great reason may be yeelded of the difference herein, for in the one case the tutor being never so honest, may yet be overtaken, if either his puples frends dwell farre of, or if some other mishap doe soddaynly befall him, and therefore the more favour to be graunted in respect of time; but in the case of contempt, it is in the parties power at all times not to offend, and therefore the less to be favoured if he offend.

That Mr. Digby his remoove is just, appeareth because it was done according to every severall braunch in the statute for that purpose, which standeth in these poyntes.

1. First, his commons were unpaid for that month (besides other debts which he ought before that were not then demanded), as himself me think will not deny, or otherwise it will appeare by the buttery bookes.

2. He was published to be out of commons for the foresaid debt at the time appointed by statute for that purpose by D. Hickman, is such manner as hath been ever used heertofore in such cases (the statute appointing no particular forme thereof). And by the same D. Hickman, Mr. Digby his name was after the foresaid publication crossed in the buttery for a more particular warning unto him of his being out of commons, unto the which crossing after the promulgation the fellowes alwayes are referred to see who have in that behalf offended, which cross in the butteries sett on by D. Hickman he of his owne authority did put of.

3. Hee was complained of to the president three severall times, and once to the mayster, for sitting downe at the table to take his commons, not having payd for the former moneth. Witnes the steward, whome the statute appointeth to geve signification thereof, and the mayster and president, to whome complaint was made.

4. He was thrice admonished for sitting downe three severall dayes, and the same admonitions were geven by the president, according as statute requireth, before two seniors or moe every time, witnesses for two of them, the president, D. Hickman, Mr. Alrey, seniors; the third, D. Hickman and Mr. Clayton being present; unto the which admonitions was adjoyned one by the mayster, witnesses, Mr. Palmer, Mr. Munsey, Mr. Booth, seniors. All which admonitions were written into a booke, according unto statute, by the mayster and president.

5. The mayster did before all the seniors pronounce the sentence against Mr. Digby, which our statute setteth downe for his offense.

Answer unto such objections as we think and heare that they make against the lawfulnes of this action, not being permitted to answer *coram* unto that which they wold alledge.

Ob. 1^a^. First, it is said, in his behalfe, that th'end of the statute was to provide for th'indemnity of the colledge; but this small summe could not greatly endammage the colledge.

To which we answer, 1^o^. Though the debt were small, yet he might greatly endammage the colledge by encouraging others to doe the like whose debts were farre greater, as his usuall custome hath been in other cases. And the witholding of some in the same case hadd greatly hurt before. 2^o^. He hath not been dealt against for not payment to the colledge (which is the former part of that statute for commons), but for contempt of authoritie in taking his commons not having paied, being warned to the contrary by the magistrate, which is the latter braunch. It was *parva res*, but *magna culpa;* and in all law there is the like: common law, death, in ecclesiasticall, excommunication, for matters of small moment.

Ob. 2^a^. They were no admonitions tending to expulsion, or, at the least, some of them was not in all pointes agreable unto statute.

Answ. 1^o^. If admonitions geven by the magistrate appointed thereuntoo, not secretly, but in the hall before 2 or 3 seniors, upon complaint of the steward for a fault in that case, and written by the magistrate his owne hand in a booke for that purpose, be such as statute setteth downe for the remooving of th'offender, then these admonitions tended to remoove. 2^o^. The magistrate is to express his owne mind and intent in geeveng th'admonitions, and not the party admonished; and the magistrate gave him th'admo-

nitions to that end which statute doth appoint. 3°. Mr. Digby confessed that the magistrate in geving th'admonitions had done his duty; but alledged this for himself, that he was not out of commons. 4°. D. Hickman sayd to the president that he hadd done so much as statute required of him. 5°. If the third be called into quæstion, because one of the seniors before whome it was geven is one of Mr. Digby his cheif frends and favourers, yet the mayster himself did admonish after that, the partie still continuing in his contumacy, in sitting downe having not payed his commons.

Ob. 3ª. Th'admonition was not written with his owne hand.

Answ. The statute is plaine to answer that objection. *A magistro aut a præside referri ac inscribi in codicem admonitionem volumus.*

Ob. 4ª. The names of his pupills were not published, as well as his owne; therefore the publishing was not agreable to this braunch of statute: *Quo si seneschallus certiorem non fecerit magistrum de nominibus omnium et singulorum pupillorum qui non solverunt ut supra, etc.*

Answ. This clause of statute alledged hath reference to the words going before in the statute, as this clause *ut supra* doth import, which words going before are these: *Nullus scholaris nec famulus scholaris in hoc collegium admittatur nisi prius habeat tutorem qui ad solutionem commeatus omnium et singulorum pupillorum teneri se sciat; hoc qui non fecerit, postquam seneschallus hujusmodi tutoris nomen magistro detulerit, et tutor et pupillus excludetur.* Whereby appeareth that in the tutors name exhibited to the mayster all under his charge are included; upon which ground of statute the names of pupills are not severally from their tutors, nor have at any time by any steward been so geven up, as in th'objection is pretended. 2°. If any pupills name shold severally be geven up (besides that it shold be somewhat troublesome, some one having almost twenty), the pupills chambers shold severally also be entred upon by orderly course of statute, for which we have no warrant.

Ob. 5ª. Before the mayster gave the last admonition, the debt became the maysters, because his chamber was not prised.

Answ. 1°. His chamber was not prised, because he was taken as *non socius* by the sentence of statute, which is already *sententia lata* by the statute itself, after the third admonition, which was foure or five dayes before it came to the prising of his chamber, yet the fourth admonition by the mayster was annexed with twice warning, to prevent the danger by paying the debt, and *abundans cautela non nocet.* 2°. Prising of the chambers required by statute is a conse-

quent of non payment, not of Mr. Digby his fault, which was sitting downe before he had paied. 3°. The fourth admonition was geven after the time appointed for prising of chambers, but for diverse offences in sitting downe, betwixt the third admonition which was geven him at that time of prising chambers.

Ob. 6ª. It was a packt matter arising of malice.

Answ. 1°. That could not be, seing that the stuard came to him dutifully, once with a note of his commons, and after with his booke. 2°. This is a matter betwixt God and their consciences; they have protested the contrary, and wilbe deposed that they did it onely in regard of the colledges good, that by th'example of such round dealing in the first moneth of the yeare, the debts due before (which were great) might be gathered, and this hath had good effect accordingly. 3°. They being bound unto it by oth, *Jurabis quod omnino secundum statuta de tuo officio condita munus tuum exequeris* (*cap.* 11), may somewhat clear this; and the indifferency in complaining of all that be knowne faulty, and they professing also before hand to deal strictly with all that were faulty, as th'estate of our colledge then required.

Ob. 7ª. Some persons before whome th'admonitions were geven tooke them not as tending to deprivation, and he that gave them seemed unto Mr. Digby to warne as a frend, not to admonish as a magistrate.

Answ. 1°. The president, upon complaint of the steward, came together with him from th'upper table to another table where Mr. Digby was set for none other intent, and did it not privately as a frend wold have done, but before all the company sitting with him. 2°. Some of them took it not as a frendly warning, but as th'admonition of a magistrate; because they were greatly offended with it. 3°. It seemeth not he was taken as comming frendly, seing as both he and others did at the same time upon that occasion entreat him so uncurteously by unseemly termes, openly in the hall before all the schollers. 4°. The forme of words wherein it was delivered sheweth that it was done as of a magistrate, namely, thus: *Mr. Digby, the steward hath complayned of you, that you have sitten downe being out of commons; therefore, being urged by him, I doe geve you warning according to statute to forbeare till you have satisfied him.* 5°. Some admonitions may be geven in absence of the party, therefore it is not necessary all shold be acknowledged of the offenders.

Ob. 8ª. The seniors were not called purposely to heare the admonitions geven.

Answ. They needed no calling, being found (at such time as he was ready to sitt downe) present with th'offender, and the magistrate taking th'opportunitie gave th'admonition according to statute. 2º. The statute requireth no further thing, but that it be done *coram duobus senioribus*, and so it was.

Ob. 9ª. The colledge was answered the debt before the sentence of deprivation.

Answ. The statute had deprived him before, being, as they call it, *sententia lata non ferenda*, noted in our statute by these words, *ipso facto excludetur*, without consent of seniors, the denunciation only declaring that which was by statute already done. 2º. The debt was taken of him as a debter to the colledge, not as a fellow of the colledge (as it may of any being deprived), by these words of statute: *Reservatis nobis nihilominus omnium jurium remediis*, as may appeare in that it was receaved of another, Mr. Digby not knowing of it by the party his owne confession. 3º. The discharging of the debt which answereth the former part of the statute doth not salve his offence, which belongeth unto the latter part of the same.

Ob. 10ª. It is and hath been a custome that the steward shold goe unto the seniors chambers for mony.

Answ. 1º. The custome pretended is uncertain, not beinge knowne what it is, for: 1. Some hold it sufficient for the steward to come once, whether the seniors be within or no, which is but illusory. 2º. Others think he shold come so oft to their chambers till he can find them within, which imposeth upon the steward an hard condition; for he being to stay at his owne chamber for receit of money at 47 fellows besides, might happely be so troubled in repayring to the eight that he most necessarily fayle and miss of th'one or th'other. 3º. A third sort supposing it sufficient for their custome, so that he goe unto the seniors any where, as other fellowes may pay any where as well as in the stewards chamber. 2º. This custome cannot stand with statute, which requireth that payment be made necessaryly in the first week after the moneth; for if happily some one of the eight cannot or will not be found in his chamber within the space of 4 dayes that week (the onely time to gather up money), then can he not be put out of commons by statute, nor his debt exacted another week by statute, but must always after be accounted

the stewards debt, which kind of customes is cut off by flat words in another statute: *Nolentes quod per consuetudinem ullam, vel diuturnum aliquem abusum, aut demum actum aliquem, verbis aut intentioni dictorum statutorum in aliquo derogetur. Cap.* 53. 3°. It is but a custome of curtesie, used sometime to other fellows if the stuard want money, and hath been interrupted; divers of our auncients deposing that they have been come to very seldome in a whole yeare. 4°. Though the custome were laudable then when the *manceps*, a servant, had the stewards office, yet now not to be urged of absolute necessitie, when bachelours in divinitie, doctors of physike, law, and divinitie, and the president himself, may have that office. 5°. Lastly, if the custome were graunted, yet the steward hath done as much as the custome can require in coming to Mr. Digby two severall times, once with a bill to geve notice of the debt, secondly with his book to cross it, and offering to goe with him unto his chamber, but he was stayed by receaving from Mr. Digby words of too much contempt before the schollers, being then a senior himself, namely these words: *By God, I will make you wayt on mee.*

Ob. 11ª. It was decreed long agoe that the steward shold be bound thereunto.

Answ. 1°. It appeareth not in writinge, and so the forme of it is uncertayne. 2°. It hath not been heard of by a number of auncient men sometime of our house fellowes, of whome we have inquired concerning the matter. 3°. All decrees are taken away by these late statutes, which were geven us to cutt of things doubtfull and uncertaine.

Ob. 12ª. The money was tendred.

Answ. It was not tendred in the stewards sight, hearing, or presence, so as he might if he wold have receaved it, and he wilbe sworne that to his knowledge it was not.

Ob. 13ª. Mr. Digby wold have hadd the seniors to determine the matter.

Answ. 1°. He denied his authority who shold have called the seniors together. 2°. By all likelyhood, that may be thought to have been but a word of course; for though it hadd been determined against him, he wold lightly have rejected it, and denied the determination; as he had not many dayes before a flatt decree agreed upon by the master and the greater part of our seniors. 3°. His desire to have the matter determined may rather argue that the cus-

tome and decree, which before he stood upon, had not determined the matter as he now pretendeth.

Ob. 14[a]. He that published Mr. Digby to be out of commons was himself *ejusdem culpæ reus.*

Answ. By statute he is accounted *reus* who is excluded and out of commons, by having his name geven up to the mayster in writing, and none other. *Qui non solverit postquam hujusmodi tutoris nomen scriptum magistro aut præsidi seneschallus detulerit, excludetur.* But this was not done unto him that did at that time publish the names of those that were out of commons. 2°. It is permitted to the steward to take any mans debt upon himself: and no further penalty belongeth unto him, then that he answer for th' other the summe whatsoever as being his owne. 3°. The steward was fully satisfied for D. Hickman, the publisher, and all that were under him, at that time when he performed this duty.

Ob. 15[a]. But the president and D. Hickman, dealers in this action, owed to the colledge xx[li] a piece, even then, when they dealt thus with Mr. Digby for a small summe.

Answ. 1°. If it had been so that they had owed so much, yet did they no more towards Mr. Digby then they were bound to doe by their place and statute. 2°. They were indebted to the colledge for them and their pupills, but not so much as he nameth; as he also was indebted himself iiij[li] and more, and 32 or 33 fellows were besides them. But all that was owing for former yeares, this steward at that time having not any thing to doe with it. Which whole debt was neer four hundred pounds; and that was the cause that mooved us to so strayt an order for the payment thereof by urging statute; by which meanes the most of it is at this time recovered. 3°. At that time when Mr. Digby sayth they ought this mony, no part of that debt was to be payed; the master and seniors having upon goode considerations graunted unto the company a further day by one moneth for the payment, till then it was not be exacted. 4°. As for the small summe of Mr. Digby his debt, it hath been answered before, and it was not regarded in this action, but his withstanding authoritie, *et quo minor res eo major contumacia.*

Ob. 16[a]. The mayster was requested to take up the matter in controversie betwixt fellow and fellow, according to a statute: *Lis inter socios et scholares intra biduum, si fieri potest, dirimatur.*

Answ. That kind of *lis* is of another nature then the matter presently in question, as appeareth by the title of the chapter, if there

were nothing els: *De modestia et morum honestate.* 2°. Their complaining upon the master in this point doth hereby bring it to be betwixt him and them. And so other judges shold by statute have determined the matter then Mr. Digby hath desired; namely, the master of Trinity Colledge, Kings Colledge, and Christs Colledge. 3°. By this statute he alledgeth he should have gone no further then the house. *Omnes lites domesticæ intra collegium, si fieri possit, et cognoscantur et dijudicentur; et qui foras aliquem in jus vocaberit sine consensu magistri et seniorum excludetur.* 4°. Where the statute hath set downe absolutely, without consent of seniors, any punishment, as in this case, there it is breach of statute (which fellowes are sworne unto) to require any other course to be taken.

Causes considered in proceeding against Mr. Digby, and mooving thereuntoo, which were offered, and which they wish us to reserve to further hearinge.

1. Preaching at St. Maries, he so commended voluntarie povertie, as that D. Fulk in the same place confuted him very shortly after about the same point being a popish position.

Vehemently suspected, upon great presumptions, to be of corrupt religion.

2. He inveighed in open disputations against Calvinists, as against schismatikes.

3. Sir Birch, a known papist, perswaded one Mr. Heyward, a gentlemans sonne in our house, whome he wold have induced to popery, with this reason amongst other, that Mr. Digby, and some others of account in our house, were so.

4. Sir Smyth (who lately fledd from our house for religion) confessed to Mr. Palmer that he was encouraged in his religion by Mr. Digby and others.

5. The confession of another unto our master under his hand writing, that Mr. Digby was such a one.

6. Mr. Higgins, a senior of our house, reported unto Mr. Palmer that he mooved Mr. Constable, the same Mr. Higgins pupill, to some pointes of poperie, and Mr. Constable confirmed the same unto the sayd Mr. Palmer of late.

7. He preached out of Esdras l. 3, c. 4, 4; gathering papisticall notes; as that Era shold be turned into Are, and such like.

8. In the time of a sermon and communion, he went about fishing openly in the backside with a casting nett, with some schollers in his companie, even then when charge was geven by authoritie from above, that whosoever did not communicate, his name shold be sent up.

9. He useth to speak dangerously and undutifully, and that openly, of the matters in the Low Countries and of sir Francis Drake.

10. He liveth familiarly with some knowne papist in our towne, and geveth countenance unto all that are suspected.

11. The common opinion of him abroad doth, for the most part, condemne him; and diverse of our house are ready to depose that they think him to be a man of corrupt religion.

Open contempt of the master, president, and government.

1. By often putting off his punishment and other charges imposed by the master and deanes.

2. He wilfully brake a decree made by the master and seniors very lately.

3. He commeth not amongst the seniors at any time, being sent for by the master, but at his owne pleasure.

4. He doth use to blow an horne often in the colledge on the day time, and hollow after it.

5. He is scandalous to the colledge by a publike challenge in bills, set up in diverse places; beinge flatly forbidden to meddle in the matter.

6. He threatened openly to set the president in the stocks, in the hearing of the schollers, then when in the maysters absence he supplied his roome.

7. He openly cried out against the president at the same time, in the hearing of all the company in the hall, these words, and in this order, and like one in a rage beating the table with his hands, repeated them often, *Qui non distinguit artem destruit quam tu non habes, Palmere, dialecticam.*

8. He called openly to the schollers standing round about the fire, and spake thus of the president (being then also in the roome of the mayster) because he was not mooved with his great words, viz., *My maisters, mark this man, he hath an Italian trick; he will counterfayt a laughter when he is most angry.*

9. He bragged openly that he wold bring into the hall one that was expelled immediately before, and wold set him downe at the table, to see if any man durst do any thing against it.

10. Since his deprivation he challengeth the right of a fellow sitting downe as president, and threatning th'officers for denying him his commons.

11. Professing himself to be as much fellow as the mayster was mayster, and more.

For which things, though we might and wold have proceeded

against him, yet it was thought more convenient, in respect of his credite, to deal with him for the breach of statute, which now is layde against him, then to have dealt by these crimes, for some causes which we spare to speak of.

Now in this case, though we doe willingly yeeld unto your lordships in regard of th'equity of our cause and proceeding, together with your honours privity unto that our statute geveth; yet, least this president in appealing might præjudice us hereafter, we doe in all humility signifie what your statutes geven to our colledge bind every fellow unto. *Quod si contingat me posthac, propter contemptum, rebellionem, inobedientiam, malos mores, vel alia merita, vel propter causas in præsentibus statutis contentas, per magistrum vel alios in hujusmodi negotiis habentes interesse corrigi, puniri, aut a dicti collegii sustentatione ac societate secundum formam statutorum excludi, expelli, vel amoveri, ipsum magistrum vel aliam personam ullam occasione expulsionis vel amotionis hujusmodi nunquam persequar, molestabo, seu inquietabo, per me, alium vel alios, nec ab aliis molestari, vexari, seu inquietari procurabo, in foro ecclesiastico seu seculari, seu alio quocunque modo; sed contra ex certa mea scientia pure, sponte, simpliciter, et absolute omni actioni occasione correctionis, punitionis, exclusionis, seu amotionis hujusmodi adversus magistrum seu alios dicti collegii socios et scholares mihi quælibet conjunctim sive divisim competenti, appellationi quoque et querela in ea parte faciendis, ac quarumcunque literarum imprecationi, etiam precibus principum, prælatorum, procerum, magnatum, et aliorum quorumcunque, quantumcunque mihi alias probitatis et vitæ merita suffragabuntur in vim pacti renuncio.*

Statute.

Cap. 14. *de juramento socii.*

DR. WHITAKER TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 80.]

To the right honorable the lord of Burgheley, lord highe treasurer of England.

After my humble duty to your honorable lordship; I beseach your honour not to thinck that in this proceading against Mr. Digbey I have delt upon any malice, which assuredly I have not done; but understanding at my returne how Mr. Digbey, for his contumacy, had receaved

three admonicions by the president, and taking counsell of my good frend, Mr. Dr. Byng, whether they were lawfully gyven, and being advised by hym both in this and other points that now are in question, and certified that Mr. Digbey had incurred the daunger of the statute; and further, being urged by my othe to ratify an act lawfully done, I condescended to Mr. Digbeys deprivacion, thincking I had no just reason to stay me from so doying, especially being soe assured that I might lawfully doe it; and furthermor, considering how unprofitable a member he was in the college, having also a benefice abroad, and never almost comyng at it. Now it hath pleased your honor to joyne with my lords grace of Canterbury in a lettre to me and the company for Mr. Digbeys restoryng, as I understand it, wherunto I will not anyways be opposite, only I desire your lordship that forsomuch as it hath pleased your honor to send me, about three wekes since, a lettre which my lords grace had written to your honor, contayning his opinion of Mr. Digbeys cause, and your honor willed me to write what I could in answeare to those reasons, and I have sent your honor an answeare before Easter by one Cooke, a pursuyvant that had busynes here, who promysed to delyver my lettres to Mr. Wilkinson, attending upon your honor, which thing I dowbt not he hath done, and that your honor have sene the sayde answeare before now, I beseach your honor, for Gods cause, to examyne the said answeare, which hath truly and sufficiently satisfied all the said objections, not in myne opinion only, but also Dr. Byngs, who bothe perused the same, and, to confesse the truthe to your honor, penned them hym self. The same reasons are repeated in this lettre, sent from your honors before my answeare came to your hands. I trust, upon sight therof, your honor will fynd that Mr. Digbey was lawfully deprived, and that yow will not consent to his restitution, which surely wilbe a great woundyng of

my governement, in a man that is soe untowardly disposed, who hath also this morning both privatly and publykely charged me (he saith), in your honors name, to accept hym as fellow. My answear to hym, both privatly and befor the seniors, was this, that in all dutifull obedience I submitted my self to your honors, and to the authority of your visitacion, but that I had sent your honors an answear to all those reasons alledged in the lettre, and desired to hear further upon the perusing therof; and whereas Mr. Digbey had appealed to our visitors, I would accept hym willingly, if, after they had considered my answear, they would consent to his restoring. If any thing in my said answear be not proved sufficiently, I desire but onely that some may be apointed for the further hearing of it; and if I justifie not bothe the admonicions and all other requisite poynts, I will gyve over quietly the wholl cause. In the mean tyme I beseach your honor stand my honorable lord in this cause, upon whom alone in this earth I most relye, and suffer me not to be overborne by Mr. Digbey and his maintayners, to my discredit and confusion greatly. And thus I humbly take my leave. From St. Johns, this 13th of Aprill, 1588.

Your honors to command,
WILLIAM WHITAKER.

DR. PERNE TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 83.]

To the right honorable and my singuler good lorde, the lorde Burghly, lord highe treasurer of Englande, and chaunceller of the Universitie of Cambridge, be these dd.

WHEREAS I doe understande, by my verie good lorde, my lord chauncellour, that your honor doth suspecte that I

shoulde intende to procure for Peterhouse the improperation of a patronadge belonging to hir majestie in Cambridge shier, called Fulborne; these shalbe to assure your honor that I did never speake, nor desier, to have the sayde patronadge to be impropered, nor ever will labour to make that or any other improperation hereafter duringe my life (God willing); and soe I doe most humblie praye your honor to informe my lord chauncellour I doe onlie desire of hir majestie the sayde patronadge, for the better incorradging of good scholers to the studie of divinitie in Peterhouse, as I did alwayes tell my lord chauncellour, and as it appeareth by my supplication made to hir majestie for the same.

Forasmuch as the reformation of the excesse and disorder of apparell in both the Universities, is referred, by proclamation, to the chauncellors of them bothe, and for that I doe understand that commaundement is gyven in the Universitie of Oxforde of late, that noe scholer shall weare any hatt in the sayde Universitie, and that all graduates resiant in any house of learninge shall weare scholers square cappes, and that such as be in any colledge or hall, that be no graduates, to weare cloth rownde cappes, and that noble mens sonnes may weare capps of velvet if they will; and that the excesse of shirte-bandes and ruffes, both in length and fashion, be avoyded; and that no scholer or fellow of any house of learninge doe weare, eyther in the Universitie or when they shalbe abroade out of the Universitie, any hose, doublet, cote, jackett, or any other garment of velvet, satten, or any other silke, or of any other disordered stuff, cooler, or fashion, as shalbe mysliked and forbidden by the chauncellour or vice-chauncellour, and the most parte of the heades in the Universitie, to be openly worne; and privatly by the master or president, with the most parte of the fellowes, to be worne in any colledge; under the payne of vj$^{s.}$ viij$^{d.}$ for everie tyme that any gra-

duate, fellow, or scholer shall offend in any of the premisses. And if it will please your honor to wright your letters to your honors vice-chauncellour, and to the other heades of colledges, for the dewe observing of these thinges accordingly in the Universitie of Cambridg, I doe knowe that your honors letters will procure more effectuall and speedie reformacion then anie of the statutes heretofore made for that purpose, as experience of the good effect of your honors last letters, sente for the reformacion of diverse disorders, to the whole Universitie, did well declare. And thus I dayly praye to almightie God for your honors long preservacion in good helth. From Lambhith, the xxvijth of Aprill, 1588.

Your honours dayly orator,

Andrew Perne.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 84.]

To the right honorable the lorde of Burghlie, lorde highe treasurer of Englande, and most loving chaunceller of the Universitie of Cambridge.

Oure humble duety to youre honour remembred, etc. Wheras ther hath bene an ancyent privilege graunted to this Universitie for the mysterie of printinge, and the same by her most excellent majestie, in oure charter, most gratiously confirmed, and of late yeares, by your honors favourable approbation, put in practyse: may it please your honour to understand, that the case standing as yt dothe, we fynde yt a verie hard matter, eyther for oure University to maynteine this royall privilege, or for oure printer to doe anie good by his trade, by reason of the companie of

stationers and prynters in London, who, as they have heretofore taken divers of his copies, and printed them againe, to his greate losse and hinderance, so doe they still threaten to attempt the lyke hereafter, namely and specially with a dictionarie of his owne compiling, and lately set oute by him; and this they challenge as their owne right and proper copie, by vertue of a generall clawse graunted to them from her majestie, *to prynte all dictionaries whatsoever;* which generall clawse, eyther for dictionaries or any other bookes, if under your honors correction we may interprete, in oure judgment extendeth to such bookes and dictionaries only as were then extant when this graunt was made, and not to any that should afterward come forthe: for elles might yt be verie prejudiciall, and hinder the setting forth of manie good and profitable bookes, if learned men might not make choyse of their printer, eyther to reape the frute of their laboures themselves, or otherwise bestowe them on whome they thought good, but must all come to the printers in London only, and have their workes publisht by them. Which practyse of their supposed privilege hathe already greatly discouraged, and almost utterly disabled our printer to goe forward in his trade; in so muche as we perceave, yf it be not looked unto in tyme, it will tourne to the utter overthrowe of printing in our Universitie for ever. Thes reasons thus moving us, we are bold to become humble suters to your honoure, that you would be so good patrone as to our wholle University at all tymes, so to oure poore printer at this tyme, as to become a meanes to her highnes in this behalf, that as of her gratious goodnes heretofore she hathe confirmed our charter for the mysterie of printing, so nowe also it may please her majestie, of her prerogative royall, to graunt a speciall lycence to this our Universitie for to privilege to our printer as well the foresayde dictionarie of late by him set forthe, as also hereafter, from tyme to tyme, anie suche

booke or bookes as he shall lawfully, and according to order appointed in that behalf, print or cause to be printed; so as both we may mainteyne a print in our Universitie with credit, according to her majesties intent and the tenore of oure charter, and also oure printer may followe his trade with some profyt, and not be molested, as heretofore, to his great hinderance, and impairing of his pore stock. Thus, hoping that as you are wont, so still your honour will be readie to procure her majestie to shewe this and all other gratious favour nedefull for the maintenance of good learning to her pore Universitie, we cease for this tyme to trouble your honour any further, beseching the Almightie to blesse you and all yours with long continuance and great increase of true honour, to the good of this his churche and common wealthe. Cambridge, the first of Maye, 1588.

Youre honours most humble to commaunde,

THOMAS LEGGE, procanc. LAURENCE CHADERTON.
ANDREW PERN. UMPHRY TYNDALL.
JOHN STILL. JOHN COPCOT.
ROGER GOADE. GUIL. WHITAKER.
THOMAS PRESTON.

ORDERS FOR APPAREL.

[From MS. Harl. no. 7041, p. 199.]

The chancellors letter to the University of Cambridge for reformation of apparell.

To my loving frend, Mr. D. Legge, vice-chancellor, etc. and to the rest of the hedds ther.

WHERAS the great excess in disorder of apparell hath not only impoverished the realme, but hath bene a speciall cause of many other vices and evill examples in all de-

grees, for the due reformation wherof yt ys godly provided for in all persons and places, yf due execution were had accordingly; for want wherof, many have greatly exceeded the prescription of lawe, and left the antient, grave, and comelye apparell, generally used of all scholers in both Universities heretofore; wherby they were known and reverenced, every man in his degree, both in the University and without, in courte and cities, by wearing of their comely, decent, and woonted apparell; the due consideration wherof ys referred, by her majesties proclamation, to the chancellors of both Universities; supposing that their commandement will worke a perfect reformation of all disorders in both the said Universities. Wherfore thes are straitlye to charge and command you, the vice-chancellor and hedds of the colleges in the Universitye of Cambridge, that the statutes and orders made in your Universitye for the speciall apparell to be worne of all degrees of scholers, made sithens her majesties most gracious raigne, be duely observed and kept; and that no hatt be worne of any graduate or scholer within the Universitye, except yt be when he shall jornye out of the towne, the same graduate or scholer having his name in any table, or being in commons in any howse of learninge in the said Universitye, except in the tyme of his sicknes; and that all scholers, being graduats upon the charges of any howse, doe weare a square capp of cloth, and lykewise scholers of howses that be no graduats, and all other scholers that have taken no degree of scholers, and doe lyve upon their owne charges, do weare in the said Universitye a rounde clothe capp: saving that yt may be lawfull for the sonns of noblemen, or the sonns and heirs of knights, to wear round capps of vellett, but no hatts. And also, that every such aforesaid scholer being a graduate shall weare abroad in the Universitye, going out of his college, a gown and a hoode of clothe, according to the order of his degree.

Provided that yt shall be lawfull for every doctor of divinity, and for the master of any college, to weare a scarlett tippett, or a tippett of vellet, according to the antient customs of this realme and of the said Universitye. The which gown, tippett, and square capp, the said doctors and hedds shall be lykewise bounde to weare when they shall resorte either to the courte or to the city of London.

And that the excess of shirt-bands and ruffs exceeding one ynche and halfe (saving for the sonns of noblemen), the fashion and colore of other then white, be avoyded presently.

And no scholer nor fellowe of the foundation of any howse of learninge do weare, either in thuniversitye or withowt, so long as he retayne the livinge of a fellowe or scholer, any hose, stockinge, dubletts, jackets, coats, or jerkins, or any other kinde of garment of vellet, satten, or silke; or in the faceing of the same shall have above one quarter of a yard of silke, or shall use any other light kynde of colore, or cutts, or yards, or fashion, which shall be forbidden by the chancellors, or in their absence by the vice-chancellor and the more part of the hedds of either of the said Universities. And that noe scholer do weare any longe locks of heare upon his hedd; but that he be notted, poled, or rounded, after the accustomed manner of the gravest scholers of the said Universitye, under the paine of 6^{sh} 8^{d} for everye tyme that any graduate, fellowe, scholer, pensioner, or sizer, shall offende in any of the foresaid orders. The forfeyture for every publique offence committed withowt the college to be collected immediatelye after thoffence done, by the bedells or other officers therunto appoynted within the said Universitye, and to be payd either to the chancellor, or, in his absence, to the vice-chancellor of the said Universitye, to thonlye use of the same; and by him to be accompted for at his generall accompts for his yeare. And the punishments and for-

feytures of all the aforesaid offences, by any of the aforenamed students, within any of the colleges or halls in the said Universitye, to be taken by the hedds and sub-hedds of the said colleges and halls wher such offence is committed, and to be converted to the use of the said college or hall. And thes orders, together with all other good orders heretofore taken for exercises of learning within the aforesaid Universitye, I require you, and every of you, duelye to observe and presizely to kepe, accordinge to your oathe and duties, as you will retayne my favour, and would have me to continue my carefull goverment over yow; which I assuer yow I will cast of, yf I fynde not a due and spedye reformation of all disorders among yow; for her majesty looketh for the same, both at myne and your hands, and that forthwith. So I bid yow hartelye farewell. From my howse in the Strand, the 7th of Maye, 1588.

Your lovinge frend,

W. Burghlye.

DISPUTES WITH THE TOWN.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 85.]

Honoratissimo domino, domino de Burghley, supremo ærarii Anglici quæstori, et academiæ Cantabrigiensis cancellario semper amantissimo.

Noli mirari (clariss. Burghleiensis) si quem sapientissimum cum primis regineæ majestatis consiliarium omnes undique totius Angliæ partes saluti suæ consulere una voce desiderant, eundem amantissimum suum cancellarium suis etiam rebus inprimis favere vehementius hortetur academia. Neque enim isti bellicorum motuum rumores, qui

cæteras jam omnes hujus regni provincias pervolarunt, nostras interim aures tanquam aut surdas aut securas sunt præterlapsi; imo vero veremur potius, ne cujus belli exitum cæteris e nostris hominibus nullo modo gravem aut acerbum fore speramus, ejus etiam apparatus nobis aliquanto molestior infestissimum privilegiorum nostrorum propugnaculis bellum admoveat. Nam cum singulari literatissimæ principis in bonas literas benignitate eo nobis provisum sit, ut musarum studia, pacis et togæ socia, prorsus ab omni armorum strepitu sicuti natura abhorrent, ita conditione etiam longissime separentur; fecit tamen nimia quædam Cantabrigiensium municipum sive in suis rebus incuria, sive in nostris potius curiositas, ut in communi isto militum delectu ab honoratissimo barone domino Northo nuper apud nostrates habito, nonnulli ex academicis etiam ministris militiæ nomen dare juberentur. In quo certe nos, tametsi injuriam nobis aliquam esse factam minime conqueramur, apud quos antiquior profecto rei publicæ quam privatæ ratio semper fuit, cupimus id tamen (nobilissime Burghleiensis), et ab honore tuo majorem in modum petimus, ut si in ista tanta tamque magna expeditione academicis etiam copiis et auxiliis respub. opus habitura sit, quicquid hoc est oneris atque provinciæ, id omne non alieno aliquo imperio tamque invitis, sed tua solummodo auctoritate volentibus impositum, nostraque itidem non voluntate solum susceptum, sed procuratione etiam administratum, idque citra antiquissimarum libertatum et consuetudinum nostrarum violationem videri possit. Deus optimus maximus amplitudinem tuam nobis reique publicæ quam diutissime conservet incolumem. Dat. Cantabrig. 4° Idus Maii.

Honori tuo perpetuo devinctissimi,
Procancellarius et reliqui collegiorum præfecti.

DR. WHITAKER TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 87.]

To the right honorable the lord of Burghleie, lord highe treasurer of England.

After my humble duetie to your honorable lordship: I am most desirous to satisfie your lordship in those things wherin I perceve your lordship is offended, one whom, of all men, I endevored to approve my self unto in all my actions and in the wholl course of my lyfe, trusting your lordship will accept in good part this my just and lawfull apologie. That I attended not upon your lordship, was not for any other respect then I have said, who, notwithstanding my continuall busines at home, would have repaired and waited your lordships good pleasure, if I had receved any word ether from your lordship or from my lords grace of Canterbury, who dismissed me for that tyme with promis, as I have further signified. That I refused to hear Mr. Digbeie pleading his right with the steward, was after he had committed the fault, and incurred the penaltie of statute, having otherwise heard whatsoever he could alleage in his defense. That I desired liberty to chuse his felowship, was bycause I accounted hym in deed as no felowe, and trusted also that your honors wold be of the same judgement; and bycause our statute required that all places void should be supplied at the election. Malice I beare hym none, as Godd knoweth, who onely is καρδιογνώστης; nether did I seeke any revenge of my self at his hands, having, I trust, learned Christ better then soe, but onely propounding in this acte the glory of Godd and good of this societie. And as I was persuaded at the first, not onely of myne owne mynd, but by others, that I might justly declare the sentence of deprivacion against Mr. Digbeie, soe, for any thing that hath bene objected, I am

persuaded still, and would not otherwise once open my mouthe in the cause. My lords grace of Canterbury standeth upon these three points: 1°. the publicacion; 2°. the admonicions; 3°. the space betwene the admonicions. For the first and the last, they are points that never were once dowted of untill now; and if the matter may be a litle differred, I dowbt not to procure the opinions of as good lawiers as any are in England, that we have in this behalf kept our statute; besides the common understanding and practize ever since the statute was made concurring. For the other, we have cleared the admonicions sufficiently: and if the first, wherof is greatest dowbt, were disproved, yet is it supplied by a fourth, against which no just exception can be taken. Decree, if there were any, and custome whatsoever, being before these statutes, are of no force since these statutes were ordained. Wherfor I humblie beseache your honor to looke into this cause, that dothe soe nerely concerne not onely the good government of this worthy howse, but the good estate of this wholl Universitie. I must, and willinglie doe, referre it to your honorable consideracion. I aske nothing in respect of my self: I desire onely to retaine your honors favour: for any thing that I have done or can doe acceptable to your honor, I acknowledge my self fully recompensed. It is a common cause that maketh me to deall as I have done; wherin if I may be assisted by your honor, I shall humblie praise Godd; and I dowbt not the wholl Universitie shall have cause to pray for your honor: if otherwise, I shall submit my self to Gods providence and your honors determinacion. Thus I humblie take my leave. From St. Johns, this 1° of June, 1588.

Your honors to commaund,

William Whitaker.

THE BISHOP OF LINCOLN TO LORD BURGHLEY.

[From MS. Harl. no. 7033, fol. 293, v°.]

Illustrissime Cecili, ac domine mihi plurimum observande: venit ad me non ita pridem Thomas Thomasius, Cantabrigiæ typographus. Is a me cum academiæ causa tum sua petit, ut ipsius de privilegio petitionem, quam D. T. jam antea commendatam habet a præfectis collegiorum, quoquo modo et gratia et literis sublevarem. Equidem (honoratissime vir), etsi novi hæc tempora, quæ non sunt plane minutissimis quibusque postulationibus idonea, et tuæ cogitationes fere jam in maximis rebus occupatæ sunt; tamen et me hominis paupertas movet, et illius, cui valde faveo, academiæ benevolentia et studium, ut quæ utilia esse ipsi et pernecessaria putem, ea tibi commendem, cui ejus omnia negotia resque omnes magnæ curæ esse intelligo: quod certe (amplissime Cecili) ex animo et vehementer facio, et honorem tuum, consilia, negotia, teipsum Dei opt. max. gratiæ et misericordiæ commendo. Dat. Buckden. 27 Jul. 1588.

Honori tuo deditissimus,

Gulielmus Lincoln.

CASE OF MR. HICKMAN.

DR. COPCOT TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 91.]

To the right honorable, his very good lord, the lord Burghlye, lord highte treasurer of England, and chancellour of the University of Cambridge, geve thes.

Right honorable, and my very good lord: in Maye last I sent unto your lordship articles against Mr. Hickman, of Corpus Christi colledge; for the matter in them contayned,

according unto oure statutes, he was deprived of his place; which was not done without Mr. secretarye Walsingham his honors privitye, for that in sume sorte he belonged unto him. Sins that tyme, Mr. secretarye being informed that his behavior was not suche as he was charged with, I and the fellowes confirmed the matters exhibited against him with our voluntarye oathes before youre lordships vice-chancellour. After his honor commended the cause unto my lord of Canturburye, he hathe heard it with summe assistants learned in the lawes, and signifyed unto Mr. Hickman that he hathe bene none otherwise dealt with then he showld have bene, if his lordship had bene in my place. Nowe, being without hope of releife elswhere, he seeketh unto youre honor last, unto whom, under her majestye, the cause onely appertayneth (if unto any without the colledge); whereof, in regard of myne oathe unto oure statutes, I must make sume dowghte; and that there is cause so to do, this bearer shall shewe, and enforme youre lordship what heretofore hathe bene done in the cause. Yf I could have had any signification from my lord of Canturburye when he heard it, that I had done amisse, I would have so ordered the matter that youre honor should not have bene trowbled: if I have done my dewtye, I beseche youre lordship I may be maintayned; otherwise, as the colledge is undone in respecte of wealth, so good governement must fall, unlesse by youre lordships good favour, whereupon I only relye at this tyme I may have helpe. God preserve youre lordship in healthe and honorable estate to his glorye. From Corpus Christi Colledge in Cambridge, the 13th of December, anno 1588.

Youre lordships most bownden,

John Copcot.

MR. HICKMAN TO LORD BURGHLEY.

[From MS. Lansd. no. 57, art. 94.]

The case betwixt Mr. Dr. Copcot and Hickman.

A COLLEDGE consistethe of a master and xij. felloes, the romes beinge all full: at a chapter of ix. felloes, the master, with the consent of vij., determineth a controversie betewne three of them, *cum consilio et chirographo jurisperitorum*, and according to the statute of the howse in that behalfe provided. At a chapter of viij. felloes, a master successor, with the consent of five (whereof two were parties), revoketh the former judgment. The felloe, with whom before it was adjudged, refuseth to yeld to the second judgment, because the first *transiisset in rem judicatam;* whereuppon the master and five felloes doe expell him for disobedience, by vertewe of a statute, which also appoyntethe the acte of expulsion to be performed *juxta discretionem magistri et majoris partis societatis;* the societie beinge xij. as before.

1. First, whether the master and those five felloes cold revoke the first judgment?

2. Then, whether the expulsion performed by the master and those five felloes be lawfull, considering the worde *societatis*, and also that two of them are parties, as before?

The copie of Mr. Dr. Hammondes opinion in this case, set downe under his owne hand, subscribed unto by Mr. DD. Forthe and Cesar, and allowed by Mr. DD. Dale, Bing, and Legge, with other DD. of the Universitie experienced in such cases.

This second sentence semeth to me to be of noe force; and so consequently the expulsion which thereuppon followed to be voyd; and that for two causes. One ys, for that in case there were noe nullitye in the first judgment (as in the case yt ys supposed), then cold not a second

judgment be good in derogation thereof. The other ys, for that there wanteth the number of voyces required to concurre in the expulsion of a felloe; for where the statute (as yt ys here saide) requireth *majorem partem societatis*, and the whole societie ys xij., a judgment of expulsion geven by five of that companie ys not the judgment of the greater part of the societie. Wherefore the sentence is to be taken as voyd, by reason of defect in forme; which is one of the most principall causes of nullitye acknowledged by the lawe.

The pretence of the masters othe and exemption, moved and answeared out of the DD. resolution, as followethe.

Notwithstanding these resolutions of the DD., the master and the five felloes doe further object, That they cannot answeare to the chancellar of the Universitie whether they have don right or wrong herein, without danger of perjurye, by reason of there oathe to this statute, viz. *Nec alicui e domo sic ejecto actio competat contra magistrum aut socios sive scholares, aut quoscunque alios de dicta domo, agendo, appellando, conquerendo, sive petendo restitutionem in integrum, nec aliquibus literis aut impetrationibus, in foro ecclesiastico seu seculari subveniatur, hujusmodi literis seu impetrationibus qualitercunque obtentis utendo.*

1. Whereunto ys thus answeared; that peradventure they cold not have answered without danger of perjurye, yf they had pursued the authoritie geven them by the statute of expulsion. That ys yf they had expelled him for a matter that they might have rejudged, and also if they had done yt *per majorem partem societatis*. But both these appearinge plainely to the contrary by the foresaide DD. opinions, then this acte of expulsion, being don for such a matter as they had nothinge to doe withall, and by such as had noe authoritie to doe yt, ys noe more in effect then if the master alone, or one or towe felloes alone, or strangers and

private men had expelled him; and for such an injury, done by such persons, neither is there any exemption from the chancellars auethoritie, nor breach of othe yf they shall answere to him: (2) especiallie his hearing and determining thereof being neither in *foro ecclesiastico* nor *seculari;* against which this statute only provideth.

3. The chancellar, *ex officio*, may take notice of any such violence offred to any schollar in the Universitie, thoughe yt had bine performed by full consent, and in good forme of lawe; *quia cancellarii est, cancellare vim et rigorem juris*, notwithstanding the priviledge; as hath bine heretofore seene in like cases, and amongest the rest in one Mr. Middeltons restitution of Quenes colledge, notwithstanding the bishop of Chester, then being master of that colledge, stood very peremptorilye uppon the like exemption and pretence of breache of oathe. 4. For otherwise the chancellar shold have a bare and only name in the Universitie, without anie auethoritie at all; every singular colledg having such a statute, whereto the master and felloes are sworne.

The hearing of this case by the master and companie againe is the only course to confirme there priviledge, and to avoide your lordships jurisdiction.

And as for the course moved by Mr. DD. Fforthe and Hammond, for the hearing of the matter agayne by the master and companye, wherby they wold not seme flatlie to denye your lordships auethoritie, and yet wold take all redresse from him; yt is in effect *agnum lupo committere*, and a devise of purpose found out, nothinge appertayninge to the commission your lordship gave them; betrayinge both the auctoritie your lordship hath nowe in the cause, and the benefit that I have, for there not performinge the statute, unto the master and felloes; as who wold saie, whereas, for the insufficiencye of there procedinge, he hath

this only releife, that he may appeale from them to your lordship: lett the master and the companie have the hearing thereof againe, and then they will have so sufficient consent, that (in their judgment) what injurye soever he have offered him, neither he shall appeale, nor your lordship releive him by any meanes, thoughe you would.

I have signifyed to Mr. DD. Forthe and Hammond, that yt ys your lordships pleasure to speake with them.

Your lordships most humble supplyant
and bounden orator,

ANTHONY HYKMAN.

MR. HICKMAN'S ANSWER TO DR. COPCOT.

[From MS. Lansd. no. 57, art. 95.]

Hykmans answere unto the lettre of Mr. Dr. Copcot.

HE hath acquainted your lordship and others that have heard this cause these twelvemonethes, with these generall termes of sclander to my disgrace, having in truth no other matter to cloake his unjust and violent dealing, and wold never come to the triall of the particularityes of the cause, knowing right well that they wold prove vayn and malicious, as without all contradiction most manifestlye appearethe under the handes of your lordships late vicechancellour and other principall heades of houses, notwithstanding the master and some of the fellowes there generall, unadvised, and offered othes against lawe, and there great shewe of conscience, honestye, and integritye, which they now pretend unto your lordship, and hertofore pretended unto them.

Veritas non quærit annulos.

As for the coloure of there and mine oathe to that statute, wherby they challenge there privelege, and wold shift me from appeale and other releife, first I referre me

Manifesta iniquitas impedit effectum clausulæ (appellatione remota).

to your lordships wisdom and consideracion, whether the meaning of that statute can be, that a fellowe receyving an open injury shold be remediles? Secondly, allowing them this great inconvenience, the wordes of our statute wherunto we are sworne being these (as appeareth more at large on the other page), *Nec alicui sic ejecto* (viz. as in the former part of the statute, *secundum discretionem magistri et majoris partis societatis*) *competat actio contra magistrum et socios appellando, conquerendo, etc.* The number of our society being twelve and the master, what breach of oathe can yt be, either for them to suffer or me to seeke for triall, or what privilege can they challenge, whenas they themselves must and will confesse, that there were but the master and five felloes onely (which cannot be the *major pars* of xij.) consenting to my pretended deprivation. So that thoughe the master and *major pars* of the societye (which is vij. besides the master) might have some pretence of privilege, yet in no case can the master and five fellowes have the benefit of that immunitye, for that by statute they have no such authoritye as to deprive any man, be there cause never so just; much lesse having done yt without warrant of the statutes, shall they be freed from rendring a reason of there doinges.

Factum a judice quod ad officium ejus non pertinet, ratum non est.

These thinges thus appearing unto your lordship, not by mine owne testimony, but under the handes of the cheife heades of colleges in Cambridge and the best learned in the civill lawes (both which your lordship hathe seene), and on there part nothing appearing but generall wordes of disgrace of there owne, refusing all triall uppon so slender pretence, I most humbly beseeche your good lordship for Godes sake, that they may ether forthwith answere, or I may have present redresse agaynst this violent oppression, so notoriously known and noted in the Universitye, whose testimony I have under there severall handes

for the justifying of my behaviour agaynst there opprobrious slandres, notwithstandinge they did what they cold to hinder the same.

Your lordships most humble suppliant
and bounden orator,

ANTHONY HYKMAN.

ACT OF PARLIAMENT

FOR THE PREVENTION OF ABUSES IN ELECTIONS TO FELLOWSHIPS, ETC.

(From the statutes 31° Eliz. cap. vi.)

[The act "for the avoiding of abuses in choosing of fellows and scholars into colleges, churches, collegiate and other like societies," was read in the Lords' house a first time on the 17th Feb. 1588-9, and a second time on the 18th. It appears then to have been withdrawn, and a new "act for to avoid abuses in choosing of fellows and scholars," was read a first time in the House of Commons on the 6th March. On the 13th March was introduced "an act against pluralities of benefices, with cure of souls and non-residence." The two bills were afterwards joined in one, and passed the House of Lords on the 18th of March.]

An acte against abuses in election of scollers and presentacions to benefices.

WHEREAS by the intent of the founders of colledges, churches collegiat, churches cathedrall, scoles, hospitalls, halles, and other like societies within this realme, and by the statutes and good orders of the same, the eleccions, presentacions, and nominacions of fellowes, schollers, officers, and other persons to have roome or place in the same, are to be had and made of the fittest and moste meete persons, beinge capable of the same eleccions, presentacions, and nominacions, freelye, without anye rewarde, guyfte, or thinge given or taken for the same; and for

true performaunce whereof, some ellectors, presentors, and nomynators in the same have or shoulde take a corporall oathe to make their eleccions, presentacions, and nominacions accordinglye; yet notwithstandinge it is sene and founde by experience that the saide eleccions, presentacions, and nominacions be manye tymes wrought and brought to passe with monye, guyftes, and rewardes, whereby the fyttest persons to be presented, elected, or nominated, wantinge money or friendes, are sildome or not at all preferred, contrarie to the good meaninge of the saide founders, and the saide good statutes and ordynaunces of the saide colledges, churches, scholes, halles, hospitalls, and socyeties, and to the great prejudice of learning, and the common wealthe and estate of the realme. For remedye whereof, be it enacted by the quenes most excellent majestie, the lordes spirituall and temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that yf any person or persons, bodyes pollitick or corporate, whiche have eleccion, presentacion, or nominacion, or voyce or assent in the choyse, eleccion, presentacion, or nominacion of anye fellowe, scholler, or any other person, to have roome or place in anye the saide churches, colledges, scholes, hospitalls, halles, or societies, shall at anye tyme after fortye daies next after the ende of the present session of parliament have, receyve, or take anye monye, fee, rewarde, or any other profytt directly or indirectlie, or shall take any promyse, agreament, covenaunte, bonde, or other assuraunce, to receyve or have any monye, fee, rewarde, or any other profytt, directlye or indirectlye, either in him or themselves, or to any other of their or anye of their friendes, for his or their voice or voices, assent or assentes, in electinge, chosinge, presentinge, or nominatinge anye officer, fellowe, scholler, or other person, to have any roome or place in any the said churches, colledges, halles, scholes, hospitalles, or societies,

that then and from thenceforthe the place, roome, or office whiche suche person soe offendinge shall then have in anye the saide churches, colledges, scholles, halles, hospitalles, or societies, shal be voyde; and that then as well the quenes majestie, her heires and successors, and everie other person and persons, their heires and successors, to whom the presentacion, donacion, guyfte, eleccion, or disposicion shall of right belonge or apperteyne of anye suche of the saide roomes or places of the saide person offendinge as aforesaide, shall or maye at their pleasure elect, present, nominate, place, or appoynte any other person or persons in the roome, office, or place of suche person or persons so offendinge, as yf the saide person or persons so offendinge then were naturallie deade.

And be it further enacted by the authoritie aforesaide, that yf any fellowe, officer, or scholler of anye the saide churches, colledges, scholes, halles, hospitalls, or societies, or other persons havinge roome or place in anye of the same, shall at anye tyme hereafter directly or indirectlie take or receive, or by any way, devise, or meanes contract or agree to have or receyve, any monye, rewarde, or profytt whatsoever, for the levinge or resignyng upp of the same his roome or place for any other to be placed in the same, that then everie person soe takinge, or contractinge, or agreinge to take or have any thinge for the same, shall forfeyte and loose double the somme of money, or value of the thinge so receyved and taken, or agreed to be receyved or taken. And everie person by whom or for whom anye monye, guyfte, or rewarde as aforesaide shalbe given or agreed to be payde, shalbe uncapeable of that place or roome for that tyme or turne, and shall not be, nor had, nor taken to be, a laufull fellowe, scholler, or officer of any the churches, colledges, halles, hospitalls, scholles, or societies, or to have suche roome or place there; but that they to whom it shall apperteyne at any

tyme thereafter shall and maye elect, chose, present, and nominate any other person fitt to be elected, presented, or nominated into the saide roome or felloweshippe, as yf the saide person, by or for whome anye suche money, guyfte, or rewarde shalbe given or agreed to be payde, were dead, or had resigned and leafte the same.

And for more syncere eleccion, choyce, presentacion, and nominacion of fellowes, schollers, officers, and other persons to have roome or place hereafter in anye of the saide churches, colledges, halles, scholles, hospitalls, and other like societies; be it further enacted by the authorities aforesaide, that at the tyme of everie suche eleccion, presentacion, or nominacion hereafter to be had, as well this present acte as thorders and statutes of the same places concernynge suche eleccion, presentacion, or nominacion to be had, shall then and there be publiklye read, upon payne that everie person in whom defaulte thereof shalbe shall forfeyte and loose the somme of fortye poundes; all which forfeytures shall and maye be had and recovered in any her majesties courtes of recorde by any person or persons, bodies pollitique and corporate, that will sue for the same by bill, playnt, or accion of debt, in whiche noe essoyne, protection, or wager of lawe shalbe allowed; thone moytie whereof shalbe to him or them that will sue for the same, thother moytie to the use of the saide churche, colledge, hall, hospitall, schole, or societie, where suche offence shalbe commytted.

And for the avoydinge of symony and corrupcion in presentacions, collacions, and donacions of and to benefices, dignyties, prebendes, and other livinges and promocions eccleciasticall, and in admissions, institucions, and inductions to the same; be it further enacted, by the authoritie aforesaide, that yf any person or persons, bodyes pollitike or corporate, shall or doe at anye tyme after the ende of fortie dayes next after the ende of this session of parlia-

ment, for any somme of money, rewarde, guyfte, profytt, or benefytt, directlie or indirectlie, or for or by reason of any promyse, agreement, graunte, bondes, covenaunte, or other assurauncés of or for any somme of money, rewarde, guyfte, profitt, or benefytt whatsoever, directly or indirectlie, present or collate any person to anye benefice withe cure of soules, dignytie, prebend, or livinge ecclesiasticall, or give or bestowe the same for or in respecte of any suche corrupte cause or consideracion, that then everie suche presentacion, collation, guifte, and bestowinge, and everie admyssion, institucion, investure, and induction thereupon, shalbe utterlie voyde, frustrate, and of none effecte in lawe: and it shall and maye be laufull to and for the quenes majestie, her heires, and successors, to present, collate unto, or give or bestowe everie suche benefice, dignitie, prebend, and lyvinge ecclesiasticall for that one tyme or turne onlye: and that all and every person or persons, bodye pollitick and corporate, that from thenceforthe shall give or take anye suche somme of money, rewarde, guyfte, or benefitt, directlye or indirectlye, or that shall take or make anye suche promysse, graunte, bonde, covenaunte, or other assuraunce, shall forfeite and loose the double value of one yeres profitt of everie suche benefice, dignitie, prebend, and livinge ecclesiasticall; and the person soe corruptlye takinge, procuringe, seekinge, or acceptinge any suche benefice, dignitie, prebende, or lyvinge, shall thereupon and from thenceforth be adjudged a disabled person in lawe, to have or enjoye the same benefice, dignitie, prebend, or lyvinge ecclesiasticall.

And be yt further enacted, that yf anye person shall at anye tyme after fortie dayes next after thende of this session of parliament, for any somme of money, rewarde, guyfte, proffitt, or commoditye whatsoever, directly or indirectly, other then for usual and laufull fees, or for or by reason of any promyse, agreement, graunte, covenaunte,

bonde, or other assuraunce of or for any somme of monye, rewarde, guifte, profitt, or benefitt whatsoever, directlye or indirectly, admytt, institute, install, inducte, investe, or place any person in or to any benefice withe cure of soules, dignitie, prebend, or other living ecclesiasticall, that then everie suche person soe offendinge shall forfeyte and loose the dooble value of one yeres profytt of everie suche benefice, dignitie, prebend, and living ecclesiasticall, and that therupon ymediatlie from and after the investinge, installacion, or induccion thereof had, the same benefice, dignitie, prebend, and living ecclesiasticall shalbe eftsones merely voyd; and that the patron, or person to whom the advouson, gifte, presentacion, or collacion shall by lawe apperteyne, shall and maye by vertue of this acte present or collate unto, give and dispose of, the same benefice, dignitie, prebend, or livinge ecclesiasticall, in suche sorte to all intentes and purposes as yf the partie so admytted, instituted, installed, invested, inducted, or placed, had bene or were naturallye deade.

Provided alwaies, that noe title to conferre or present by laps shall accrewe uppon anye voydaunce mencioned in this acte, but after sixe monethes next after notice given of such voydance by the ordinarie to the patron.

And be it further enacted, by the authoritie aforesaide, that yf any incumbent of any benefice withe cure of soules, after thende of the saide fortie daies, doe or shall corruptlie resigne or exchange the same, or corruptlye take for or in respecte of the resignynge or exchanginge of the same, directlie or indirectlie, any pencion, somme of money, or benefitt whatsoever, that then as well the giver as the taker of any suche pencion, somme of money, or other benefitt corruptlie, shall loose double the value of the somme soe given, taken, or had; thone moytie, as well thereof as of the forfeyture of double value of one yeres profytt before mencioned, to be to the quenes majestie, her heires and

successors, and thother moytie to him or them that will sue for the same by accion of debte, bill, or informacion, in any of her majesties courtes of recorde, in whiche noe essoyne, proteccion, or wager of lawe or previledge, shalbe admytted or allowed.

Provided alwaies, that this acte, or any thinge herein conteyned, shall not in anye wyse extende to take awaye or restrayne any punyshment, payne, or penaltie, lymitted, prescribed, or instituted by the lawes ecclesiasticall for any the offences before in this acte mencioned, but that the same shall remayne in force, and may be putt in due execucion as it might be before the makinge of this acte; this acte or any thinge therein conteyned to the contrarye thereof in anye wise notwithstandinge.

Provided further, and be it enacted by the authoritie aforesaide, that yf any person or persons whatsoever shall or doe, at anye tyme after thende of this session of parliament, receyve or take any money, fee, rewarde, or anye other profytt, directlye or indirectlye, or shall take any promyse, agreament, covenaunte, bonde, or other assuraunce, to receive or have any money, fee, rewarde, or any other profytt, directly or indirectly, either to him or themselves, or to anye other of their, or anye other of their friendes, all ordinary and lawfull fees onlye excepted, for or to procure the ordeyninge or makinge of any minister or ministers, or gyvinge of any orders or licence or licences to preache: that then everye person and persons so offendinge shall for everye suche offence forfeyt and loose the somme of fortie poundes of laufull money of England; and the partie soe corruptlie ordeyned, or made minister, or taking orders, shall forfeyt and loose the somme of tenne poundes; and if at anye tyme within seaven yeres next after such corrupte entringe into the minystery or receyvinge of orders, he shall accepte or take any benefice, livinge, or promocion ecclesiasticall, that then, immediatlye from and

after the induction, investing, or installacion thereof, or there into had, the same benefice, lyvinge, and promocion ecclesiasticall, shalbe eftsones merelye voyde; and that the patron, or person to whom the advouson, guyfte, presentacion, or collacion shall by lawe apperteyne, shall and may, by virtue of this acte, present or collate unto, gyve and dispose of, the same benefice, lyvinge, or promocion ecclesiasticall, in suche sorte to all intentes and purposes as yf the partie so inducted, invested, or installed, had bene or were naturallye dead; any lawe, ordynaunce, qualificacion, or dispensacion to the contrarie notwithstandinge: thone moytie of all whiche forfeytures shalbe to our soveraigne ladye the quene, her heires and successors, and the other moytie to him or them that will sue for the same, by accion of debte, bill, playnte, or informacion, in any of her majesties courtes of recorde, in whiche noe essoyne, proteccion, priviledge, or wager of lawe, shalbe admytted or allowed.

CASE OF BAMBRIGGE AND JOHNSON.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 6.]

To the righte honorable and our singuler good lord, the lord Burghley, lord highe treasurer of England, and chauncellour of the Universitie of Cambridge, geave these.

Oure humble dueties remembred to your good lordshipp: whereas it pleased the same to affoarde your honorable advise by your lettres addressed hither, toucheinge the proceadinge againste Bambrigge and Johnson, masters of arte and fellowes of Christes Colledge, beinge cauled in a cause of office by reason of certaine sermons by them publiquelie here preached in St. Maries churche in Januarye last, may it please your honor to be advertised that the sayed parties have now been fower or fyve tymes dealte

withall, not in rigorous sorte, but in civill and courteous wise, with offer of conference, as of intent to perswade them and not to force them; and that they mighte the rather be moved to have due regard of there doinges, it hathe beene thoughte not amisse to acquainte them with the tenour of your lordships lettres; wherein for that your lordship hath not made anie expresse mencion of receaving there aunsweres upon there oathes, they seeme to take advantage and make construccion as thoughe your lordship woulde not have them sworne at all. Now albeit this conceipt of thers seemed straunge and contrarie to the understandinge of such as waited on your lordship aboute that matter, by whome your lordship was plainelie informed that the cause of there committinge to safe custodie hath hitherto been onlie for refusinge to sweare; yet for that they so confidentlie affirme your lordships meaneinge to be as they saye, we tooke it apperteyninge to our dueties, as well not to conceale this from your lordship, as allso to attend your lordships further pleasure therein. And so daylie prayeinge the Allmightie longe to continue your lordships good and honorable estate, we humblie take our leave. From Cambridge, the xxiij of Aprill, 1589.

Your lordships allwaies at commaundement,

THOMAS NEVILE, procanc. ANDREW PERN.
JOHN STILL. UMPHRY TYNDALL.
JOHN COPCOT. THOMAS BYNG.
THOMAS PRESTON.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 8.]

To the righte honorable and our singuler good lord, the lord Burghley, lorde highe treasurer of England, and chauncellour of the Universitie of Cambridge, geave these.

OUR verie humble dueties to your honour remembred: we have receaved late letters from your honour, toucheinge our

proceadinge in the examinacion of the speaches uttered by Mr. Banbridge and Johnson in there sermons at St. Maries, which seemeth to your honour to be a verie hard course taken; and surelie we ourselves will graunte that so it had bene if we had not first assayed by all good and gentle meanes to have prevayled with them. But when we sawe they were willfullie bent to withstande our goverment, and that others, who in like case had bene heretofore produced for accusers, were afterwards, not onelie by private speaches but allso publique reproches, very injuriouslie dealt withall; and knoweinge that (whatsoever they pretend to the contrarie, that) in this case we should do nothinge but accordinge to lawe, both established by her majestie, and likewise to be justyfied by the word of God, we thoughte we were bownde as in convenience and equitie, so in discretion and duetie, thus to proceade. And the rather have we bene induced hereunto, by reason of some speaches uttered by themselves, and others there adherentes (of whome there is no smale number), that it mighte be, God hath herein revealed that unto them which he had not done before unto anie others, and that that which had longe before lien in darkness should now by them be broughte unto lighte; and there was hope that this action of thers should reforme the abuse not onelie of this but of other places wheare hath bene and is the lyke proceadinge. The which, if it be an abuse, as we would be gladd with all our hartes of due reformacion, so when the same belongeth not unto us, but is to be done by more speciall authoritie, we thoughte it our partes not to suffer anie example (here in this place especiallie) so prejudiciall; and do finde, by experiens of this our dealinge, that the same hath done no little good in our Universitie; for since that tyme some stirringe tongues have bene verie quiet who before spared nether state nor persons of the greatest honour and meritt lyveinge nor deade. We had much rather, our verie good lord, have concealed

these matters then thus discovered them, but that we be verilie perswaded that they, togeather with there complotters, do practise herebie not onelie the alteracion but subversion of our government, therebie to procure unto them selves libertie withoute controulement (when they know how hard and odious a matter it wilbe upon everie such occasion to inforce accusers), to speake what they liste, and againste whome they liste. And therefore as your honour hath bene ever heretofore verie carefull for the suppressinge of such contentious persons, and maintenaunce of peace and all good order amongest us, so at this tyme, and in this particular, which doth so highelie concerne us both in the publique cause and our owne private creditt, we do nothinge doubte but that your honour will allowe of our proceadings, and not that onelie, but allso assiste us by further authoritie, as shall seeme good unto your honors wisdome. In the meane season we do acknowledge ourselves most bownd unto your honor for the concealeinge of your honors minde in this matter from them, because we finde that they be persons of that disposicion who do take encouragement by anie countenaunce that can be geaven them. And thus, sorie we have this occasion to trouble your honour, restinge herein upon the knowledge of your honours further pleasure, we humblie take our leave. From Cambridge the fourthe of Maye, 1589.

Your honours ever at comaundement,

THOMAS NEVILE, procanc. JHON BELL.
THOMAS PRESTON. UMPHRY TYNDALL.
THOMAS LEGGE.

THE HEADS TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 9.]

To the righte honorable and our singuler good lord, the lord Burghley, lord highe treasurer of England, and chauncellour for the Universitie of Cambridge.

Our verie humble duties remembred: upon the receipte of your honours lettres for thenlardgement of Mr. Banbridge, one of the two fellowes of Christes Colledge, committed by us unto prison, we sendinge for the said Banbridge, and findeinge as well by his owne relation as by the viewe and judgment of Mr. Doctour Ward and Barro, phisitions, that there nether was nor is anie such cause of sicknes, that by his continuance in prison may hazard him in his lyfe (as to your honour hath bene reported), have thought good there to continue him, untill the truth should be certified, and we mighte heare more of your honours pleasure. And yet do we not so restraine him, but if that may benefitt him in his healthe, both he and the other with him may have the libertie of the common feildes, or anie exercise ells them selves shall thincke fitt for there recreation. And thus, sorie that upon these untrue informacions we have so ofte occasion to troble your honour, cravinge pardon for our bouldnes, and prayeinge daylie to the Allmightie for the preservation of your good and honorable estate, we humblie take our leave. From Cambridge, the xvijth of Maye, 1589.

Your honours ever at commaundement,

Thomas Nevile, procanc. Umphry Tyndall.
Willm. Ward. Isaac Barro.
Tho. Byng. Thomas Legge.
Thomas Preston.

BAMBRIGGE AND JOHNSON TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 10.]

To the right honorable, the lord of Burghley, lord high treasurer of England, and chief chauncelour of th'universitie of Cambridge.

Right honorable and our very good lord: may it please your good lordship once agayne to admitt of the humble suite of us poore prisoners, now having (as your lordship understandeth) of long tyme so continewed in th'university of Cambridge without bayle or mainprise. And first may it please your honour to understand that we were not committed for any thing uttered by us in our sermons; but onely because we did not yeeld to take a corporall oath to deliver the truth, the whole truth, and nothing but the truth, of that we spake in our publike sermons, and thereby to accuse our selves (whereas the whole audience affoorded sufficient witnes) if in any thing we had offended. Without oath we have already openly in the consistory (according to your honours first letters) aunswered to whatsoever we were charged withall; which notwithstanding, we still continew imprisoned, onely because we refuse to take this unlawfull oath. And albeit we have great cause to beleve that your honour hath bene already very good lord unto us in keping from us that extremity which we greatly feared; for the which we shall continually pray the Lord to reward sevenfold into your lordships bosome; yet because your honours first letters onely (which were upon misinformacion directed against us) were imparted with the rest of the heads of howses, and read also unto us, but the two late letters sent from your honour, private onely to Mr. vice-chauncelour, were not communicated in the whole with the heads present in the consistory; and for that we see here no hope of release, except we yeeld to that hard condition which we have before set downe unto

your lordship, but are like to be tired with imprisonment, although in so good a cause (God assisting us) we hope never to give over; we are agayne bold to fly unto your lordship for our relief, desiring your honour to consider of our long imprisonment, nowe by the space of seventene weeks, onely for refusing to take the oath. Whereby we are greatly restrayned of that liberty which other schollers do enjoy; our bodily health is so indaungered, as th'one of us hath bene constreyned, very inconveniently in this place, to take physick; our dutyes also to our pupils, whom their parents have committed unto us, very much hindered; besides our common dutyes as fellowes of our colledge and schollers of the University, all the benefits wherof we want, together with the hearing of the word of God preached, and participacion of the sacrament administered; our private studyes in this tyme of our preparacion for the ministery of the gospell long interrupted and much disappoynted; our good name among our frends abroad and straungers every where, that heare of our imprisonment, but not of the cause, greatly impayred; our exhibicion, that should have bene imployed to the maintenance of our studyes, excessively wasted in the charges of the prison. In all which considerations we humbly besech your good lordship, that by your lordships good favour we may obteyne, at the length, some release of that long imprisonment, which we doubt not but your lordship judgeth sufficiently to have mett with our offence. We refuse not for the aunswer of any matters wherewith we can be charged to put in bond, or sufficient suerty to appear eyther before your lordship, or before our governours here, when we shall be called; besides that our fellowships, the onely stay of living that we have, will sufficiently bind us hereunto. This is the whole summe of our suit, which we referr wholy unto your honours wisdom and equity. The Lord

almighty blesse your honour with long life, increase of honour in this life, and everlasting life in the world to come. Amen. From our prison in Cambridge, May 22, 1589.

Your honours most humble suppliants,

CUTH. BAMBRIGG.
FRAN. JOHNSONN.

ANSWERS TO THE INFORMATIONS.

[From MS. Lansd. no. 61, art. 12.]

Theise pointes of the vice-chauncellours informations, by his letters to the lord threasurer concerning th'imprisonment of Mr. Bambrigge and Mr. Johnson, preachers.

Answeres.

1. MR. vice-chauncellour confesseth the offer of the oathe to be harde, but that all gentle meanes have beene before used, etc. Lett the meanes be examyned. Upon their sermons they are convented. Articles are laide against them. They offer to make true aunswere to the said articles, which was refused: but an oathe is tendered, viz. to swere to the truth, the whole truthe, and nothinge but the truth, etc.

1. That this course weere harde in deede, yf all good meanes had not before beene used to enduce, etc.

They in humble tearmes desier they may not be pressed to swearc for theis reasons:

The oathe is too indefinite and ympossible for them to deliver everie matter uttered in their sermons of an hower and a halfe in lengthe.

Yt is unconscionable to tye the conscience of a man to take the holie name of God in witnes of that which himselfe knowethe, before he speake, he can not performe. Besides the temptinge of God to hazarde the creditt of their mynisterie uppon fraile memorie; and it is prejudiciall to the commaundement of God in the person of a preacher forbidding to muche care what shalbe uttered,

but to rest uppon thinformation of Godes spiritt, provided that his ordinarie meanes be used therein.

Yt is against the lawes of God unconscionablie to offer in his name that which is ympossible to performe.

Besides, without oathe, suche like question propounded by the highe preists seeking to drawe matter of accusation thereby is refused to be aunswered unto by Jesus Christ, but referred to proofe by witnes, sythens his wordes were spoken openlye. And upon the stroke given him by the officer standing by justifieth that aunswere as well spoken. Jo. 18, 19.

Theis reasons being not admitted, the preachers in humble maner praie Mr. vice-chauncellour they maie be enformed by the lawe of God, and the lawe of the realme, that they maie and ought thus to sweare, protesting they will willinglie yeild thereunto. Els that they may be spared.

They are hereuppon committed to prison, and there deteyned, without admittinge of anie baile, nowe theise xx^{tie} weekes and more.

Hereby they thinke it maye appeare that no gentle meanes have beene used.

Nowe that all gentle meanes for their releife hathe beene by Mr. vice-chauncellour refused, they showe this.

About vj. weekes after their comittinge, suite was made by Henrie Knevett and William Bowes, knights, to Mr. vice-chauncellour and D. Perne for their bailment. The same was renued by sir William Bowes, praying them to enforme them selves well of thissue; which he conceived they did mistake, and first to sett downe the fact in writinge; then twoo lawyers for them, and twoo for the prisoners to sett downe the lawe. Yf the lawe justifies that proceadinge, yt should be yeilded unto; yf not, let them yett be enlarged, and they should compleine no further. Yf the lawyers shoulde differ in understanding the lawe, the cause,

with their reasons, might be laide before your lordship, to end according to your wisdome. All this they refused, agreinge to no determynation but of twoo lawyers by them then named, or the highe commission before the archebyshopp of Canterburie.

Sythens sundrie their worshippefull freindes, and lastlie some of the heades of colledges, his assistantes, have beene earnest sutors uppon your lordships lettres for their bailinge, but prevailed not.

2. They think it a meere surmise: or if it be true that anie offered witnessinge, let them be named. And then whye are not they rather enforsed to sweare, then a preacher against him selfe.

2. That there were witnesses readie to have beene produced, but by threatninge wordes they were terrifyed.

3. The plaintifes are enformed by their learned counsell, that upon the refusall of the oathe tendered to them *ex mero officio*, and in this case, they ought not to be deteyned in prison without baile and mainprise, as by the lawes and partelie by the equitie of the statute made *anno* xxv° H. 8 may be proved. Besides the issue (as they conceive) is mistaken. For where they builde their proceadinges uppon a statute of the Universitie, That if anie preacher shall openlie, etc.; they finde therein neither the offer of the oathe which they justifie to be done *ex mero officio*, being jurisdiction ecclesiasticall, neither ymprisonment proceading of civill power. Twoo severed auchorities in this action confounded togeather.

3. That that proceadinge is accordinge to the lawe of the realme and the lawe cannon.

4. Mr. vice-chauncellour refused to showe or suffer to be showed the register of anie such president: neither can they learne of anie suche like, except one convented by D. Bynge being then vice-chauncellour, who must justifye nowe as counseller, that he did then as judge.

4. Also according to the former presidentes in th'universitie.

5. Yt is conceived that the greatest part and best disposed of th'universitie mislike greatlie this manner of proceadinge, as may partelie appeare by D. Goade, provost of Kinges Colledge, and Mr. Chaderton, master of Imanuell

5. That the Universitie without this course is hardlie to be governed.

Colledge, protesting openlie, and Mr. D. Whitakers, master of St. Johns Colledge, privatlie protesting, they wolde not be privie or partie thereunto. Also the same may appeare in that onelie of the xv. heades v., and of vj. other doctours onlie twoo, have putte their handes to these lettres.

6. That by the relation as well of the phisician as of Mr. Bainbrigg him selfe, yt appeareth he was not sicke.

6. The phisitian whose helpe he used sheweth the contrarie under his hande.

7. That they have beene at their pleasour to resort for their recreation into the feildes and publique exercises in the towne.

7. The contrarie wilbe proved in that taking a small libertie to goe to their colledge upon speciall occasion, their keaper was checked for it by Mr. vice-chauncellour; and for their resort for exercises, he denyed their earnest suite for leive to resort to the sermon at St. Maries with their keaper on Sondaye, which was the first of this instant June, saying, You shall pardon me; I neither can nor will.

Lastlie, adding to the premisses that as well the first committment as the ympartinge of your lordshipes lettres with the aunsweres made thereunto, weere the actes and by the privitie of some, not of all the heades, may import some parcialitie.

12 Junii, 1589.

CASE OF MR. HICKMAN.

THE HEADS TO LORD BURGHLEY.

[From MS. Harl. no. 7041, p. 202.]

Our humble duties remembred to your good lordshippe: upon the receipt of your lordshippes lettres, directed hether concerning the controversy between Mr. D. Copcot and Mr. Hickman, we, whose names are herunder written, have diverse times mett together therabout, and have heard at sufficient length th'allegations of eyther party. All that hath been sayd by Mr. D. Copcot resteth upon

two speciall grounds. Wherof the one ys, the charter of th'universitye, th'other the private statute of this howse. Touchinge those statutes, yf Mr. Dr. Copcot have, for suche cause and in such sort, proceeded as ys ther appointed (which he affirmeth so to be), we are of opinion that the matter cannot without breach of the same statutes admit any retractation or review. But forasmuch as Mr. Hickman offereth to justifye, that neither the cause of his removing falleth within the compass of these statutes, nor due order of proceeding was observed therein, it groweth now to be a doubt in fact, for the clearing wherof, for that we finde no rule prescribed by the same statutes, we take yt to be determinable before th'ordinary juge, which ys your lordship as chancellor, and in your absence the vice-chancellor. So that as far as we conceave (under your lordships correction), the chief poynte now in question ys not concerning the juge, but concerning the place of jugement; for by th'university charter, which ys another main grounde wheron Mr. D. Copcot standeth, yt plainly appereth that all causes personall, wher any scholer ys parte (mahem and felony only except) having ther originall within the Universitye, or the precincts therof, are not judicially to be heard nor ended any where [else], for the word of the charter, *sc. non alibi*, is altogether prohibitive, and in a case of like quality, hapning in the same college about 16 years past, when as Mr. Aldreche then master of that howse was very instantly urged by the late reverend father the bishop of Winchester, etc. to answere before them concerning his mastership, or, at the least, before your lordship at London, it pleased your good lordship, upon the sight of our charter in Aldreches behalfe, to dismiss him and his matter to be heard and ordered by the vice-chancellor in Cambridge. And albeit Mr. Hickman hath named diverse others whos defence have bene decided by your lordship at London, yet we

take it that your lordship did procede in thes causes by the consent of the parties and not otherwise, and therfore thes examples cannot fitly be drawn to make against any that consenteth not, but fleethe to the protection of the privilege. Thus having according to your lordshipes commaudment delivered our opinions in this plain manner, we leave [them to] the consideration of your good lordship, and commit the same to the most blessed tuition of th'almighty. From Cambridge, the 12th of September, 1589.

LORD BURGHLEY TO THE VICE-CHANCELLOR.

[From MS. Harl. no. 7041, art. 203.]

To my lovinge frend Mr. D. Nevell, vice-chancellor of th'universitye of Cambridge, or to his successor, or eyther of ther lawfull deputies in ther absence.

After my very hartye commendations: I have receved a letter signed by yourself and six others of the hedds of the howses of that Universitye, of the date of the 12th of the last month, by which yt appereth to me that you had diverse times mett together concerning the controversye between D. Copcot and Mr. Hickman. And after the hearing ther severall allegations, and your consideration of the several statutes alleged by Mr. D. Copcot, both of th'universitye and his howse, yt seemeth that the question now ys not of the juge but of the place, which ys to be within th'university and not elsewhere; and therfore yf so be you and the hedds are agreed in opinion, that the same may and ought to be heard by me, or you my vice-chancellor, in the Universitye, as yt seemeth by your lettre you are, then shall you do well to procede in the hearing and orderinge of the said matter, for that, as you knowe, I cannot myself attend the same there, neyther may I (as yt seemeth) out of th'universitye judicially hear

the matter. And for your assistance, yf you so thinke good, and that yt may be done by thorders and statutes of your Universitye, you may call to you, when you shall hear the same cause, two such of the hedds as, of foure to be named by the parties you shall thinke fitt. And of your procedinge herin, I pray ye to advertise me. So fare ye hartelye well. From the courte, this 6th of October, 1589.

Your very lovinge frend,

W. Burghlye.

CASE OF FRANCIS JOHNSON.

MR. JOHNSON TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 15.]

To the right honourable the lord Burghley, lord high threasurer of England, and chancelour of th'university of Cambridge.

Right honourable and my very good lord: as I do unfainedly acknowledge my self to be infinitely bound unto your lordship for the great favour which I, being so meane a person, have found with your lordship, so having lighted upon most mercilesse adversaryes (for so am I now constreyned to call them), with whom I have long wrestled in vayne, to my great charge and almost utter undoing in my living and small substance, besides the losse of almost one whole yeare which I have incurred in turmoyles among them, I am constreyned agayne to send unto your lordship (for come I can not), for the Lord Jesus Christes sake, to crave your lordshipes aide and succour in this my great extremity. I came hither to Cambrige, as I was by your lordship advised, to follow my appeal to th'university; I went in quyet maner to Mr. vice-chancelour and to Mr.

Dr. Byng, to desier that eyther some law might be shewed to cût of my appeale, or els my appeale not hindred. Further then was alleaged before your lordship, which I then aunswered, there hath bene no one clause of law shewed me sufficient to debarre me the benefitt of appeale. I requested the proctour to presente my appeale, and to procure delegates to be chosen according to statute, which was all I could here do. And now not onely have I profited nothing, but being called before Mr. vice-chancelour and the heads the 18th of this present moneth, I was there (for any thing I heard), by the sole authority of the vice-chancelour, charged the next day to depart th'university, except I would there desier some longer respite for the ridding away of my stuffe. Whereunto I making aunswer that I waited the issue of my appeale made to th'university, which depending, I was by law to remayne in state as before, I was agayne required to aunswer whether I would the next day depart the University or ask respite for removall of my stuffe; whereunto I aunswering that I was not so much mynded to lett fall my appeale, was by the vice-chancelour committed to close prison without bayle or mainprise, untill such tyme as I would yeeld to lett fall my appeale, and give over my title to th'university and to my fellowship: wher I did lye and continew three dayes in the tolebooth, in a close and cold corner, streightly kept, that none of my frends might come at me, nor comfort come to me from them: and now because of th'extremity of the weather am removed to the baylif of the tolebooth his house, with most straite charge that none at all be suffered to come unto me. Neyther doth this their most violent dealing fall and rest onely upon me: for I besech your lordship to consider whether that withall the soveraigne authority of our gracious quene (whom God long continew among us with much glory) be not impugned by making them selves (without, nay, against law and statute,)

supreme judges and governours, not to be appealed from: the honorable protection of your lordship over us trampled under their feet by most straitly imprisoning me for that which your lordship permitted and advised me to do, the expresse statute and priviledg of our whole University by all violence broken and disanulled for the maintenance of their owne indirect and unlawfull proceding. And towching my self and my cause at this tyme, most humbly I besech your lordship also to consider what justice it is to wring from me by violence and forcible imprisonment in more straite manner then is usuall to felons and like malefactours, that which by law I may rightfully mainteyne. To God that judgeth right I committ my cause, being in my self persuaded and rejoycing that I have receyved to suffer for the truth of th'eternal God, which at first and now still they persecute in me, th'unworthiest of the servantes of God. O my God, look downe from heaven, stay the furye of men, strike thy feare into their hearts, that they may consider their last end.

Now of your lordship, I, a poore prisoner overthrowen by the power of myne adversaryes in a just cause, being put out of doubt that here I shall fynd no more justice then I have, the proctour being checked for dealing in my appeale, and threatned now to be called to his aunswer, do most instantly, on Gods behalf, that favoureth righteous dealing, beg and besech to take my cause to your lordshipes hearing, and to rescue me from this grievous imprisonment, which undeservedly the Lord of heaven knoweth I susteyne. I do appeale unto your lordshipes wisdome, justice, and authority, as being honorable chancelour of this our University. The Lord give me favour in the sight of your honour, and the Lord move your honours heart to have compassion of my calamity. Unto his will and wisdome I humbly submitt my self and my cause, making my humble prayers unto almighty God to induc your lordship with

godly wisdom and zeale of his glory, both in this and all other causes. Cambridge, this 22 December, 1589.

Your honours most humble suppliant,

FRA. JOHNSON.

THE MASTERS OF ARTS TO LORD BURGHLEY.

[From MS. Lansd. no. 61, art. 16.]

23d December, 1589.

A supplication of lxviij. scollars of the Universety of Cambridg, towching Francis Johnson, and his appeale.

RIGHT honorable and our most worthie chancelour: with most humble thanks for that our late petition was so favourably received of your lordship, we are now the second time in most earnest and humble manner, by the glorie of God, which we doubt not but your honour holdeth most deare, in the bowels of Jesus Christ, and by your honorable care for the maintenance of godlines and learning in this University, instantly to pray your lordship to showe and to use that authority which the Lord hath given your honour, and you have undertaken to beare over us. The privileges granted to our whole bodie of this University by our most gratious quene, whose godly raigne over us the Lord long continue, are violently pulled from us by those who ought to goo before us all in maintaining them. It is not lawfull now to appeall from the sentence of the vice-chancelour, notwithstanding it is expresly allowed by the quenes majesties statutes. Our privileges, granted for the dignity and speciall benefite of the whole Universitie, and every scholler therein, are become a snare unto us all. The truth wherof we humblie beseech your lordship to waie by this true relation of that which hath lately happened amongst us. Mr. Frauncis Johnson, a man whose cause and estate, by reason of his long troble in imprison-

ment and other greivances, are well known unto your lordship, being prohibited by Mr. vice-chancelour and some other to prosecute his lawfull appeal to the University, made and intimated to the proctor according to statute, from that sentence of expulsion geven by the late vice-chancelour, and not finding any meanes here to help himselfe, repayred unto your honour for succour, and was, as we understand, again remitted to the University, to whom he had appealed. Now, since his last returne, Mr. vice-chancelour that now is, citing him before the heades, charged him to depart the University; he challenging still the benefite of his appeall, was by the vice-chancelour committed to close prison, without baile or mainprise. We doubt not but your lordship soon perceiveth how unequall it is, that the parties from whome the appeall was made shold be judges whether the appeall be lawfull or not; as also how the statute of appeall is utterly made voyde, if for appealing, the vice-chancelour may commit to prison him that resteth not in his sentence. For of close prison without baill or mainprise, we say nothing; leaving it to your lordships wisdome, and to the lawes of this lande. We doe not denie but that our hearts are greatly mooved with this strange example of extraordinarie violence and extremity: and, but that we knowe there is a God in heaven that beholdeth and ruleth all things, and shall one day judge all men, as well high as lowe, and the Lord onlie knoweth how soon, who will also in his good time shew himselfe a terrible revenger of all the authors and patrons of injustice, we cold not but be utterly discouraged by this extreme dealing. We know we must glorifie God as well by suffering as otherwise. The Lord prepare us for it; for that schoole is now opened, and we all looke to come unto it. Our great greife and distress of heart hardly suffereth us to make any end of complayning. What to aske of your lordship we well knowe not; but we beseech

the Lord our God to affect your honors heart with a tender compassion of the great affliction of this our dear brother and faithfull servant of God, Mr. Johnson. We doubt not to affirme, with godly Mordecai, that comfort and deliverance shall appeare unto us out of some place, whersover it be. If the Lord our God geve it to come from your honour, it wilbe such a crown to your lordship as never will wither. Good Ebed-Melech, in Zedechiah the kings house, hearing that the princes had put Jeremiah in the dungeon, spake to the king saying, *My lord the king, these men have done evell in all they have done to Jeremiah the prophet, whome they have cast into the prison.* And the king was therewith moved, and commaunded by force to fetche him out of the dungeon. The servant of the same God whome Jeremiah served, though as we are all much inferiour, is now in close prison, and was for a time in the common prison-house; we doubt not but Ebed-Melech his speache may be justly applied unto him. The Lord our God rayse up your honour in the roome of Ebed-Melech, to procure his release and finall riddance from these, as it seemeth, endles turmoyls. The particular means how it may be atteined we leave to your honors wisdome. And so humblie craving pardon for this our boldnes, we beseech the Lord of eternall glorie to endue your honour with heavenly wisdome and sincerity to labour for th'accomplishment of his good work, which he that is the righteous judge (to whome we commend your lordship) shall reward in that daye.

Your lordships most humble suppliantes
of th'university of Cambridge,

Bach. in Divin. Daniel Monsey, of St. Johns, fellow.
Bach. in Div. Henry Alvey, St. Johns, fel.
Richard Harries, St. Johns, fel.
Char. Chadwick, Immanuel, fel.
Laurente Pickeringe, Immanuel, fel.
Bach. in Div. Thomas Lawghton, Christ. fel.

Bach. in Divin.	Arthur Johnson, S. Johns, fel.
	John Allenson, S. Johns, fel.
	William Jones, Immanuel, fel.
	John Richardson, Immanuel, fel.
	William Branthwayte, Immanuel, fel.
	Michael Hearne, Immanuel, fel.
	John Graye, Immanuel, f.
	John Duke, Immanuel, f.
	Richard Rolfe, Immanuel, f.
	Robert Houghton, Immanuel, f.
	John Cock, Immanuel, f.
	Wylliam Perkins, Chri. f.
	Thomas Morton, Chri. f.
	George Downame, Chri. f.
	Cuthbert Bambrigg, Chr. f.
	Randulph Erdley, Chr. f.
	Thomas Graye, Chr. f.
	Robarte Hille, S. John. f.
Bach. in Div.	Hewe Greye, Trinitie, f.
	Rodolphe Furnesse, Johan. f.
	Abdie Assheton, Johan. f.
	Henrye Briggs, Johan. f.
	William Hall, Johan. f.
	Thomas Bernher, Johan. f.
Bach. in Divin.	Richard Wright, Trinit. f.
	Robert Elinge, Trinit. f.
	Laurence Ley, Trinit. f.
	Jhon Freeman, Trinit. f.
	Frauncis Gelsthorpp, Trin.
Bach. in Div.	Thomas Harryson, Trin. f.
	John Jackson, Trin.
	Gregorie Newton, Trin.
	Thomas Furtho, Trin. f.
	George Goodwin, Trin. f.
	Richard Woodcoke, Regal. f.
	Philip Awnsham, Regal. f.
	Richard Sutton, Regal. f.
	Caleb Kemp, Regal. f.
	Edward Lister, Regal. f.
	William Kettell, Regal. f.
	Henry Bannister, Regal. f.

Robert Spark, Regal. f.
James Assheton, Au. Clare.
Willyam Jefferaye, Clare, f.
William Symme, Clare, f.
Charles Lucas, Clare, f.
Thomas Barsham, Clare.
John Moon, Reginal.
Zacharyas Steward, Reginal.
Thomas Brightman, Reginal, f.
Richard Milborne, Reginal, f.
Richard Stafford, Clar. f.
William Lister, Clar. f.
Michael Haworth, Clar. f.
William Bridon, Clar. f.
Thomas Sheafe, Regal. f.
Rowlande Hyll, Regal. f.
William Montagu, Regal. f.
Frauncis Kay, Regal. f.
John Crowe, Regal. f.
Anton. Wotton, Regal. f.
Nathaniel Gylby, Immanuel, f.

* Doctor Goad,
Doctor Whytaker,
Doctor Barwell,
Mr. Chaterton,
} ar of opinion that the appeale doth lye.

Of law {
Doctor Cowell, of Q. Colledg,
Doctor Hyckman, that was of St. Johns Co.
} ar also of opinion that the appeale doth ly.
Mr. Newman, bach. of law,

Mr. Bettes, of Peterhowse, proctor.
Mr. Munckho, of K. Colledg, proctor and orator of the University.

Do. Preston, mr. of Trinitie Hall, vice-chancellor,
Doctor Ley, mr. of Cays Colledg,
Do. Nevell, mr. of Maudlen Colledg,
Doct. Tyndall, mr. of Quenes Colledg,
Doctor Byng, mr. of Clare Hall,
} war present at the commytting of Johnson.

* What follows is written on the back, in the hand-writing of Lord Burghley.

MR. BRANTHWAITE TO SIR MICHAEL HICKES.

[From MS. Lansd. no. 107, art. 28.]

To the worshipfull and his verye good frend, Mr. Hickes, give these with speed.

Good sir, I am bould uppon small acquaintance to request youer frendship in the behalf of those who ar sent from manye in the Universitye to intimate, by waye of humble supplication, to ther right honorable chancelor, such grevances as nowe they doe and are like hereafter in more extreme maner to suffer, if they be not in due time releived, if not by youer favor and indevor they maye obtayne speedy access unto his honor. I shall think myself greatly bound unto you for this curtesy, and all of us who have joyned as suppliants together in this business will be thankfull unto you, as occasion shall be offered to expresse the same. The cause doth greatly concerne the hole body of the University, it being for the retayning of such privileges as by statute are graunted unto us; and therfore by affording your helpe for the furtherance therof, you shall be greatly beneficiall to us all. I understand by Mr. Jhonson, that by his relation the state of the matter is well knowen unto you, so that you neede not my information; he remayneth very thankfull unto you for that especiall favor which he found through your good meanes, although it hath had small successe sence his returne; for nowe chalenging the benefit of appeale granted him by the privileges of the University, he is committed close prisoner, without bale or mainprise; the issue therof we committ unto the Lord, who will not forsake his, but judg the cause of the innocent: yet seing we are commaunded to use all meanes wherby relefe might lawfully be procured, we have therefore sued in most humble manner unto ouer chancelor for redresse therof, relying uppon his honors carefulnes both to helpe the present evill, and to prevent the imminent in-

conveniences. The bearers being in great hast, and staying uppon my letters, causeth me to move abruptly to end them; otherwise I would I was myself deputed unto this busines; but being not fit to travayle by reason of some weaknes of bodye, I obtayned realease, the weather being somewhat intemperat; but I hope I shall by my letters prevayle so much with you, as that these may find youer carefull and courteous furtherance; so I shall remayne ever bound unto you at youer commaundement. Thus desiring you to remember me unto my frendes at Pater-noster row as youer occasion shall serve, I commend my self hartely unto you, and us all unto the Lordes his gratious protection, who keep us ever his. From my chamber in Emanuell Colledg, the xxv. of December.

Youer to command in what he may,

William Branthwayte.

END OF VOL. I.

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